BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

AND

LOS ANGELES UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2022010333

OAH CASE NUMBER 2022060344

ORDER GRANTING MOTION TO CONSOLIDATE

JUNE 16, 2022

On January 12, 2022, Student filed with the Office of Administrative Hearings a Due Process Hearing Request in OAH case number 2022010333, Student's Case, naming Los Angeles Unified District.

On February 11, 2022, OAH granted the parties' request for a March 15, 2022 mediation and a continuance of the hearing from March 8 through 10, 2022 to May 10 through 12, 2022.

On April 27, 2022, OAH granted the parties' joint request for a second mediation to take place on May 26, 2022 and to continue the hearing to June 14 through 16, 2022. The joint request was granted based on the parties' representations that they previously

agreed to an interim settlement agreement which called for additional assessments and an individualized education program team meeting to review the assessments scheduled for May 5, 2022, after which the parties believed that a further mediation was needed to allow them to achieve a final settlement agreement in this matter. At that time, OAH notified the parties that it did not contemplate any further continuances.

On June 2, 2022, OAH granted Student's motion to amend Student's due process hearing request because the amended complaint substantively changed Student's Issue 2, and many of the new issues in the amended complaint were based on the same contentions regarding eligibility as the original filing.

On June 9, 2022, Los Angeles Unified filed a Request for Due Process Hearing in OAH case number 2022060344, District's Case, naming Student. The stated issues alleged in District's Case is whether its March 2022 and May 2022 psychoeducational assessments are appropriate.

The same day, Los Angeles Unified filed a Motion to Consolidate Student's Case with District's Case on the grounds that both matters involve the same issues, i.e., the appropriateness of the May 2022 psychoeducational assessment, and common questions of fact related to Student's May 5, 2022 IEP. Student did not file a response to the motion.

CONSOLIDATION

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate matters that involve the same parties, a common question of law and/or fact, and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a)

[administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, both cases involve a common question of law or fact, specifically, both matters involve common questions regarding the May 2022 psychoeducational assessment and Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the matters will involve some of the same evidence, including testimony from some of the same witnesses. Accordingly, consolidation is granted.

ORDER

1. Los Angeles Unified's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in District's Case, OAH case number 2022060344, are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in Student's Case, OAH case number 2022010333.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings