BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013071175
LOS ANGELES UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2013090194 (Primary) ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO CONTINUE

On July 25, 2013 Student filed a Request for Due Process Hearing in OAH case number 2013071175 (First Case), naming Los Angeles Unified School district (District).

On September 6, 2013 District filed a Request for Due Process Hearing in OAH case number 2013090194 (Second Case), naming Student. District filed a Motion to Consolidate the First Case with the Second Case and to continue the due process hearing date set in Case Number 2013071175 (first case).

On September 9, 2013 at the Prehearing Conference on Student's case Student stipulated to the consolidation and a brief continuance.

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; 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, the First Case and Second Case involve a common question of law or fact, specifically, both cases concern questions of whether District provided a free appropriate public education (FAPE) to Student in the July 10, 2013 individualized educational program

(IEP) and the appropriateness of a District assessment. Student has stipulated to the motion. In addition, consolidation furthers the interests of judicial economy because both cases involve the same witnesses and evidence. Accordingly, consolidation is granted.

A due process hearing must be held, and a decision rendered, within 45 days of receipt of the complaint, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).)

District's motion to continue the hearing is stipulated to by Student and demonstrates good cause for a continuance. The consolidated matter is continued based upon the order below and the order continuing the PHC and Due Process Hearing issued concurrently with this order.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013071175 [First Case] are vacated.
3. The Motion to Continue is granted. The Prehearing Conference in the consolidated cases shall be held on September 23, 2013, at 10:00 a.m., and the Due Process Hearing in the consolidated cases shall be held on October 8 through 10, 2013 at 9:30 a.m. on the first day.
4. 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 OAH Case Number 2013090194 Second Case].

Dated: September 09, 2013

/s/
STELLA OWENS-MURRELL
Administrative Law Judge
Office of Administrative Hearings