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. 2017041307
LOS ANGELES UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017040657 ORDER GRANTING MOTION TO CONSOLIDATE AND DENYING MOTION TO CONTINUE

On April 12, 2017, District filed a Request for Due Process Hearing with OAH, naming Student, in OAH case number 2017040657 (District's case). On April 28, 2017, Student filed a Request for Due Process Hearing with OAH, naming District, in OAH Case No. 2017041307 (Student's case).

On April 28, 2017, Student filed a Motion to Continue the due process hearing dates in District's case and a Motion to Consolidate District's case with Student's case. On May 1, 2017, District filed an Opposition to Student's Motion to Continue.

On May 1, 2017, OAH held a prehearing conference in District's case. At the PHC, District opposed Student's Motion to Consolidate on the grounds that granting the motion would unreasonably delay District's case.

Consolidation

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].)

District's case and Student's case involve the same parties, overlapping witnesses, and common questions of law and fact with respect to whether District's December 2015 Social-Emotional assessment was appropriate. It will further the interests of judicial economy to hear evidence on all issues at a single, consolidated hearing. Accordingly, Student's Motion to Consolidate District's case with Student's case is granted. Student's case, OAH case number 2017041307 is designated as the primary case in the consolidated matters. The dates for the consolidated matters shall be as set forth in Student's case, OAH case number 2017041307. All dates previously set in District's case, OAH case number 2017040657 are vacated.

Continuance

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).)

In light of Student's Motion to Consolidate being granted, and the additional rulings made herein concerning the vacation of the dates previously set in District's case, Student's Motion to Continue is denied due to mootness.

ORDER

1. Student's Motion to Consolidate is granted.

2. All dates previously set in District's case, OAH case number 2017040657 are vacated.

3. The dates for the consolidated matters shall be as set forth in the Scheduling Order issued in Student's case, OAH case number 2017041307.

4. Student's case, OAH case number 2017041307 is designated as the primary case in the consolidated matters. All future pleadings and other documents in the consolidated matters are to be filed and maintained in Student's case file.

5. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the Request for Due Process Hearing in Student's case, OAH case number 2017041307.

DATE: May 3, 2017

DocuSigned by:
Tara Doss
0D223C0D8032412...

TARA DOSS
Administrative Law Judge
Office of Administrative Hearings