BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

REDONDO BEACH UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2024080334

OAH CASE NUMBER 2024070777

ORDER GRANTING MOTION TO CONSOLIDATE

AUGUST 14, 2024

On July 23, 2024, Redondo Beach Unified School District filed a Request for Due Process Hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Student as respondent, in OAH case number 2024070777 (Redondo Beach's case). On July 30, 2024, an order granting the parties' request for mediation and a continuance was granted in Redondo Beach's case on July 20, 2024, scheduling mediation for August 22, 2024.

On August 8, 2024, Student filed a request for due process hearing, naming Redondo Beach Unified School District as respondent, in OAH case number 2024080334 (Student's case). On August 9, 2024, Student filed a motion to consolidate the two

cases. Redondo Beach filed a notice with OAH on August 12, 2024 stating it did not oppose the consolidation. Although Student's motion also included a motion to continue, such a motion was not actually made as to the dates scheduled in Student's case. Rather, Student, apparently cautiously, included the request, stating, "There is good cause to continue the proceedings concerning the District's complaint so that it can be heard with Student's complaint as a consolidated matter." However, here, Redondo Beach's dates are vacated as explained later in this order.

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 Student's and Redondo Beach's cases involve common questions of law and fact, including whether the individualized educational program. or IEP, offering Student placement in a non-public school, offered Student placement in the least restrictive environment; and whether services offered in Student constituted a free, appropriate public education, or FAPE. The motion was not opposed. In addition, consolidation furthers the interests of judicial economy because resolution of both cases involves testimony from the same witnesses and consideration of the same documentary evidence. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case, OAH case number 2024080334 is designated as the primary case. The consolidated cases shall proceed on the dates ordered in the scheduling order in Student's case.
3. All dates previously set in Redondo Beach's Case, OAH case number 2024070777, are vacated except the mediation date scheduled for August 22, 2024.
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 Student's Case, OAH case number 2024080334.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings