BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. REDONDO BEACH UNIFIED SCHOOL DISTRICT,	OAH Case No. 2019020379
REDONDO BEACH UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2019020539 ORDER GRANTING MOTION TO CONSOLIDATE

On February 8, 2019, Student filed a request for due process hearing (complaint) with the Office of Administrative Hearings, naming Redondo Beach Unified School District, and the matter was assigned OAH Case Number 2019020379 (Student's Case). On February 14, 2019, Redondo Beach filed its own complaint with OAH, and it was assigned OAH Case Number 2019020539 (District's Case).

On February 21, 2019, OAH granted Student's request to file an amended complaint.

When Redondo Beach filed its own complaint (District's Case) on February 14, 2019, it also filed a motion to consolidate both cases. Student did not file a response to the motion to consolidate.

APPLICABLE LAW

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].)

DISCUSSION

Here, Student's Case and District's Case involve a common question of law or fact, specifically, whether Redondo Beach's psychoeducational assessment completed in the fall of 2018, was legally compliant, both procedurally and substantively. Student did not respond to the motion to consolidate. In addition, consolidation furthers the interests of judicial economy because many of the same witnesses would be called in both case, and consolidation would prevent inconsistent rulings. Accordingly, consolidation is granted.

ORDER

1. Redondo Beach's Motion to Consolidate is granted.

2. All dates previously set in OAH Case Number 2019020539 (District's Case) 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 amended complaint in OAH Case Number 2019020379 (Student's Case).

IT IS SO ORDERED.

DATE: February 22, 2019

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Rebecca Freie
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REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings