BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. MANHATTAN BEACH UNIFIED SCHOOL DISTRICT,	OAH Case No. 2018101334
MANHATTAN BEACH UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018100465 ORDER GRANTING MOTION TO CONSOLIDATE AND SETTING MEDIATION

On October 9, 2018, Manhattan Beach Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2018100465 (District's Case), naming Student.

On October 29, 2018, Student filed a Request for Due Process Hearing in OAH case number 2018101334 (Student's Case), naming District.

On November 1, 2018, Student filed a Motion to Consolidate Student's Case with District's Case and to proceed on the dates set in Student's Case.

On November 6, 2018, District filed a partial objection to consolidation on the ground that it did not want to delay hearing on its right to assess case.

On November 14, 2018, OAH granted the Parties' joint request for a second mediation to address all issues set forth in the two matters. The request was filed in 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].)

Here, Student's Case and District's Case involve a common question of law or fact. Specifically, the parties seek a determination of whether District may conduct triennial assessments pursuant to its March 16, 2018 assessment plan over a lack of Parental consent and without conditions requested by Parents.

Consolidation furthers the interests of judicial economy because both matters will require the same witnesses and evidence pertaining to triennial assessments. Consolidation will prevent inconsistent rulings on the same issue.

District's contention, that consolidation will delay proposed assessments, does not tip the scale against the need to conserve judicial resources. Tthe two matters are set for hearing a week apart, making any delay minimal.

Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Prehearing Conference and Hearing dates previously set in OAH Case Number 2018100465 (District's Case) are vacated.
3. The consolidated matters shall be scheduled as follows:

   Mediation: December 5, 2018, at 9:30 a.m.

   Prehearing Conference: December 17, 2018, at 3:00 p.m.

   Due Process Hearing: December 27 and 28, 2018, beginning at 9:30 a.m. the first day and continuing day to day, Monday through Thursday, at 9:00 a.m., as needed at the discretion of the Administrative Law Judge.

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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 2018101334 (Student's Case).

IT IS SO ORDERED.

DATE: November 16, 2018

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COLE DALTON
Administrative Law Judge
Office of Administrative Hearings