BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT,	OAH Case No. 2019040158
SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2019010897 ORDER GRANTING MOTION TO CONSOLIDATE

On January 23, 2019, Santa Monica-Malibu Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2018010897 (Santa Monica's Case), naming Parent on behalf of Student. On April 3, 2019, Student filed a Request for Due Process Hearing in OAH case number 2019040158 (Student's Case), naming Santa Monica-Malibu Unified School District. Concurrently with the Complaint, Student filed a Motion to Consolidate Student's Case with Santa Monica's Case. Santa Monica filed a Notice of Non-opposition to consolidation on April 4, 2019.

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 Santa Monica's Case involve a common question of law or fact, specifically, whether Santa Monica's 2018 speech and language assessment was appropriately conducted. Because Santa Monica does not oppose consolidation, and

consolidation furthers the interests of judicial economy by avoiding duplication of witnesses and evidence, consolidation is granted. Student's Case will be designated as primary.

ORDER

1. Student's Motion to Consolidate is granted.

2. All dates previously set in OAH Case Number 2019010897 (Santa Monica's Case) are vacated. The consolidated matters shall be scheduled for hearing based upon the Scheduling Order issued in Student's case.

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 complaint in OAH Case Number 2019040158 (Student's Case.)

IT IS SO ORDERED.

DATE: April 5, 2019

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Adrienne L. Krikorian
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ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings