BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. BEVERLY HILLS UNIFIED SCHOOL DISTRICT,	OAH Case No. 2018050503
BEVERLY HILLS UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018081174 ORDER GRANTING MOTION TO CONSOLIDATE

On May 10, 2018, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings, naming Beverly Hills Unified School District. OAH designated the matter as OAH case number 2018050503 (Student's Case). On June 27, 2018, OAH granted the parties' joint request to continue the due process hearing in Student's Case to September 25, 26, and 27, 2018.

On August 29, 2018, Beverly Hills filed a Request for Due Process Hearing with OAH, naming Student. OAH designated the matter as OAH case number 2018081174 (District's Case). On August 30, 2018, OAH issued a Scheduling Order setting the due process hearing in District's Case on September 24, 2018.

On August 31, 2018, Beverly Hills filed a Motion to Consolidate District's Case with Student's Case. On September 5, 2018, Student filed an opposition to Beverly Hills's motion on the grounds that granting consolidation would delay the due process hearing in Student's Case. On September 7, 2018, Beverly Hills filed a reply to Student's opposition, clarifying that Beverly Hills is seeking consolidation of the cases but not a continuance of either District's Case or Student's Case. Rather, Beverly Hills requested the consolidated cases be set for hearing on September 24, 25, 26, and 27, 2018.

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].)

Student's complaint contains two issues: 1) whether the February 1, 2018 individualized education program developed by Beverly Hills was appropriate; and 2) whether Beverly Hills offered Student an appropriate special education program for summer 2018 and the 2018-2019 school year. Beverly Hills's complaint contains one issue: whether the February 1, 2018 IEP offered student a free appropriate public education, such that Beverly Hills may implement it without parental consent. Student's Case and District's Case both dispute the appropriateness of the February 1, 2018 IEP, and therefore contain common questions of law and fact. Convening two separate due process hearings to adjudicate these cases would not promote judicial economy or efficiency, as both cases are likely to contain the same evidence and witnesses. Furthermore, since Beverly Hills does not seek a continuance of the due process hearing, consolidation would not delay Student's Case. Thus, consolidation is granted.

ORDER

1. Beverly Hills's Motion to Consolidate is granted.
2. Student's Case shall be primary. All future correspondence shall be filed in Student's Case.
3. The due process hearing in the consolidated cases shall be set for September 24, 2018, at 1:30 p.m., and September 25, 26, and 27, 2018, at 9:00 a.m. The prehearing conference in the consolidated cases shall proceed on September 14, 2018, at 3:00 p.m. All other dates in District's Case shall be vacated.
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.

IT IS SO ORDERED.

DATE: September 11, 2018

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Tara Doss
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TARA DOSS
Administrative Law Judge
Office of Administrative Hearings