BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. MONROVIA UNIFIED SCHOOL DISTRICT,	OAH Case No. 2018050081
MONROVIA UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018041231 ORDER GRANTING MOTION TO CONSOLIDATE

On April 26, 2018, Monrovia Unified School District filed a due process hearing request in this matter with OAH in case number 2018041231 (District's Case) naming the Student. On May 2, 2018, Student filed a due process hearing request with OAH in case number 2018050081 (Student's Case), naming District. On May 9, 2018, District filed a motion to consolidate Student's and District's cases. On May 14, 2018, Student filed an opposition to District's consolidation motion on the basis that the issue in District's Case is different from the issues in Student's case. Therefore, the District's case should proceed to hearing on May 17, 2018, separately from Student's Case.. The hearing in Student's Case is set for June 26, 2018.

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].)

District's Case involved one issue: whether its 2018 reading academic achievement assessment was appropriate. Despite Student's contentention, Student's Case involves the same reading assessment issue, as well as an additional issue of whether District denied

Student a free appropriate public education for the 2017-2018 school year. Because both cases involve the 2017-2018 school year, testimony would involve a common question of fact; common witnesses testifying such as Parents as well as District's witnesses; and the same documentary evidence. Consolidation furthers the interests of judicial economy because one ALJ will hear both cases, which involves the same documentary evidence and the same witnesses, at least, with respect to the 2017-2018 school year, and specifically the reading assessment. Accordingly, consolidation is granted.

ORDER

1. District's motion to consolidate is granted.

2. All dates previously set in OAH Case Number 2018041231, 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 complaint in OAH Case Number 2018050081, Student's Case.

4. The prehearing conference, and due process hearing dates, will be according to the Student's Case which are as follows:

Prehearing conference: June 18, 2018, at 3:00 p.m.

Due process hearing: June 26, and 27, 2018 continuing day to day, Monday through Thursday, at the discretion of the ALJ. The hearing shall take place at District's office located at 325 E. Huntington Dr., Monrovia, CA 91016. The hearing shall begin at 9:30 a.m. and end at 5:00 p.m. on the first day of the hearing and shall begin at 9:00 a.m. all other days, and end at 4:30 p.m., unless otherwise ordered. The hearing shall continue day to day thereafter, Monday through Thursday, at the discretion of the ALJ.

5. The primary case shall be Student's Case, and the parties shall use the consolidated caption for all filings after this date.

IT IS SO ORDERED.

DATE: May 16, 2018

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Sabrina Kong
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SABRINA KONG
Administrative Law Judge
Office of Administrative Hearings