

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:  
PARENT ON BEHALF OF STUDENT,

and

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT,  
OAH CASE NUMBER 2024081076  
OAH CASE NUMBER 2024090002

ORDER GRANTING MOTION TO CONSOLIDATE

SEPTEMBER 12, 2024

On August 23, 2024, Parent on behalf of Student filed with the Office of Administrative Hearings, called OAH, a request for due process hearing in OAH case number 2024081076, Student's Case, naming Manhattan Beach Unified School District, called Manhattan Beach.

On August 30, 2024, Manhattan Beach filed a request for due process hearing in OAH case number 2024090002, Manhattan Beach's Case, naming Student.

On August 30, 2024, Manhattan Beach filed a motion to consolidate the cases. On September 10, 2024, Student filed a statement of non-opposition to the motion to consolidate.

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate matters that involve the same parties, a common question of law and/or fact, 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, both cases involve a common question of law or fact. The cases both involve whether Manhattan Beach denied Student a free appropriate public education by failing to conduct an appropriate three-year psychoeducational evaluation and report dated May 24, 2024. Manhattan Beach seeks an order finding its May 24, 2024 psychoeducational evaluation was appropriate such that Student is not entitled to an independent educational evaluation at public expense. Manhattan Beach further seeks an order allowing it to exit Student from special education without parental consent. Student challenges the appropriateness of Manhattan Beach's May 24, 2024 psychoeducational evaluation and seeks an independent educational evaluation at public expense.

In addition, consolidation furthers the interests of judicial economy because both cases involve the same parties, and many of the same witnesses will be required to testify in each case. Accordingly, consolidation is granted.

## ORDER

1. Manhattan Beach's motion to consolidate is granted.
2. Student's Case, OAH case number 2024081076, is designated as the primary case.

3. All dates previously set in Manhattan Beach's Case, OAH case number 2024090002, are vacated.
4. The consolidated matters shall proceed on the dates set in Student's Case, OAH case number 2024081076.
5. 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, OAH case number 2024081076.

*Jennifer Kelly*

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings