

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024100913

OAH CASE NUMBER 2024090319

ORDER GRANTING MOTION TO CONSOLIDATE

OCTOBER 28, 2024

On September 6, 2024, Santa Monica-Malibu Unified School District filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2024090319, naming Student. OAH case number 2024090319 is referred to as Santa Monica-Malibu Unified's Case. A Request for Due Process Hearing is called a complaint.

On October 25, 2024, Parent on behalf of Student filed a complaint in OAH case number 2024100913, naming Santa Monica-Malibu Unified. OAH case number 2024100913 is referred to as Student's Case.

On October 25, 2024, OAH held a prehearing conference by video in Santa Monica-Malibu Unified's Case. Attorney Kristin Myers appeared on behalf of Santa Monica-Malibu Unified. Parent appeared on behalf of Student.

At the PHC, Parent represented she filed with OAH moments before the PHC, the complaint in Student's Case. At the time of the PHC, OAH had not yet received the complaint in Student's Case.

Santa Monica-Malibu Unified represented it had received and reviewed Student's complaint. At the PHC, Student moved to consolidate Santa Monica-Malibu Unified's Case with Student's Case. Santa Monica-Malibu Unified did not object to consolidation, and argued the cases involve common questions of law and fact, and consolidation promotes judicial economy.

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, specifically, whether the December 15, 2023 individualized education program, as amended on June 10, 2024, offered Student a free appropriate public education in the least restrictive environment. Santa Monica-Malibu Unified does not oppose the motion.

In addition, consolidation furthers the interests of judicial economy because the same evidence and witnesses will be presented in both cases on the issues as to

appropriateness of the December 15, 2023 individualized education program, as amended on June 10, 2024. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Santa Monica-Malibu Unified's Case, OAH case number 2024090319, 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 Student's Case, OAH case number 2024100913.

Rommel P. Cruz

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Administrative Law Judge

Office of Administrative Hearings