BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. REDONDO BEACH UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015080678 ORDER DENYING MOTION TO CONSOLIDATE

On August 12, 2015, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2015080678 (Student's First Case), naming District.

On January 6, 2016, Student filed a Request for Due Process Hearing in OAH case number 2016010102 (Student's Second Case), naming District.

On January 6, 2016, Student filed a Motion to Consolidate Student's First Case with Student's Second Case.

On January 11, 2016, District filed an objection to consolidation on the grounds that the motion to consolidate was an attempt to indirectly circumvent the Administrative Law Judge's ruling made at the prehearing conference in Student's First Case, which denied Student's motion to amend her complaint in Student's First Case. Thereafter, each party filed reply briefs.

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 First Case and Student's Second Case involve the same parties and the same individualized education programs. However, consolidation does not further the interests of judicial economy, and integrity. Rather, Student's motion is an attempt to circumvent the ALJ's ruling on Student's motion to amend her complaint in Student's First

Case, as stated at the prehearing conference of January 4 2016, and as documented in the prehearing conference order in that case dated January 8, 2016. Student's motion to consolidate is merely a repeat of her previously denied motion to amend in a different cloak. Consolidation of these two cases would unduly delay the adjudication of Student's First Case, which has already been continued twice, and, in view of all of the circumstances, Student has not demonstrated any compelling reason to consolidate her cases. Furthermore, the prehearing conference order in Student's First Case specifically stated that no motions were to be filed after the prehearing conference unless a declaration was included explaining why the motion had not been filed prior to the prehearing conference. No such declaration was included in Student's motion to consolidate or in her reply papers.

Consequently, Student's motion is denied.

.

ORDER

1. Student's Motion to Consolidate is denied.
2. All dates previously set for hearing in this matter shall remain as scheduled.

IT IS SO ORDERED.

DATE: January 19, 2016

/s/

ELSA H. JONES
Administrative Law Judge
Office of Administrative Hearings