BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SKY MOUNTAIN CHARTER SCHOOL AND INNOVATIVE EDUCATION MANAGEMENT, INC.	OAH Case No. 2018110130 ORDER DENYING MOTION TO CONSOLIDATE

On November 2, 2018, Parent on Behalf of Student (Student) filed a Request for Due Process Hearing naming Sky Mountain Charter School and Innovative Education Management, Inc. as respondents. This filing was accompanied by a motion to consolidate the case with Sky Mountain's request for mediation only in case number 2018090747. On November 5, 2018, Sky Mountain dismissed its request for mediation. On November 6, 2018, Sky Mountain and Innovative Education responded to Student's motion to consolidate by asserting the motion was moot due to the dismissal of the mediation.

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); Code of Civ. Proc., § 1048, subd. (a).)

A request for mediation only is not subject to consolidation as no issues are asserted for ultimate resolution in a hearing that can be evaluated for common questions or law or fact or resultant judicial economy. Thus, these filings would not have been consolidated even if the mediation request had not been withdrawn. Here, however, the mediation request has been withdrawn and the matter is moot.

ORDER

1. Student's Motion to Consolidate is DENIED.

2. All dates shall proceed as stated in the scheduling order of November 5, 2018.

IT IS SO ORDERED.

DATE: November 7, 2018

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Penelope S. Pahl
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PENELOPE S. PAHL
Administrative Law Judge
Office of Administrative Hearings