BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. REDONDO BEACH UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2014040523
REDONDO BEACH UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2014031015 ORDER GRANTING MOTION TO CONSOLIDATE AND RESETTING DATES

On March 25, 2014, Redondo Beach Unified School District (District) filed a Request for Due Process Hearing in OAH case number 2014031015 (First Case), naming Parents on Student's behalf (Student). District's complaint is set for hearing on April 22, 2014.

On April 10, 2014, Parents on Student's behalf filed a Request for Due Process Hearing in OAH case number 2014040523 (Second Case), naming District.

On April 11, 2014, the parties filed a stipulation to consolidate District's case with Student's case, to vacate the dates in District's case, and to reset the consolidated matters pursuant to the initial scheduling order for Student's case. The parties allege that the issues and facts involved in District's case are the same or similar to the facts and issues in Student's case, justifying 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, District's two-page complaint alleges that District found Student eligible for special education on May 10, 2013 following a May 8, 2013 psychoeducational assessment. District's single issue for hearing is whether the May 8, 2013 psychoeducational assessment of Student was appropriate. Student's complaint, which consists of 56 pages, recites a chronological history dating back several years, and asserts that exceptions to the applicable statute of limitations apply to Student's claims dating back to 2007, raises a multitude of factual issues that are not alleged in District's complaint. Student alleges four substantive issues, all of which assert a denial of a free appropriate public education (FAPE).

The two complaints have one issue in common, namely the appropriateness of the May 8, 2013 psychoeducational assessment. Because District's case was filed only a few weeks before Student's case, and the hearings in the two matters will overlap in terms of witnesses and evidence, consolidation is appropriate and will serve the interests of judicial economy. Consolidation is granted.

ORDER

1. The parties' stipulation to consolidate is granted.
2. All dates previously set in OAH Case Number 2014031015 (First Case) are vacated.
3. The consolidated matters shall be set for hearing pursuant to the initial Scheduling Order issued in OAH Case Number 2014040523 (Second Case).
4. 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 2014040523 (Second Case).

DATE: April 11, 2014

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings