

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH CASE NO. 2012080798

v.

MANHATTAN BEACH UNIFIED SCHOOL
DISTRICT,

MANHATTAN BEACH UNIFIED SCHOOL
DISTRICT,

OAH CASE NO. 2012090437

v.

PARENTS ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On August 24, 2012, Student filed a Request for Due Process Hearing (complaint) against the Manhattan Beach Unified School District (District) in Office of Administrative Hearings (OAH) case number 2012080798 (First Case). On August 28, 2012, OAH issued a scheduling order for the First Case, setting the prehearing conference (PHC) for October 10, 2012, at 10:00 a.m., and the due process hearing (hearing) for October 17, 2012, and continuing day-to-day Monday through Thursday.

On September 13, 2012, the District filed a complaint against Student, in OAH case number 2012090437 (Second Case). On September 17, 2012, OAH issued a scheduling order for the Second Case, setting the PHC for October 3, 2012, at 10:00 a.m., and the hearing for October 11, 2012, and continuing day-to-day.

On September 17, 2012, the District filed a joint Motion to Consolidate the First Case with the Second Case. Student did not submit a response.

APPLICABLE LAW AND DISCUSSION

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].)

The First Case and Second Case involve a common question of law and fact regarding the adequacy of the District's January and March 2012 individualized education program (IEP) and whether there are procedural and substantive violations regarding the District's IEP offer. While Student's complaint alleges violations regarding other the District's other IEP offers, a main issue in both cases is the adequacy of the District's January and March 2012 IEP. Without consolidation, there would be a danger of inconsistent rulings. Therefore, the parties' joint Motion to Consolidate is granted as consolidation furthers judicial economy and prevents inconsistent rulings.

ORDER

1. The parties' joint Motion to Consolidate is granted.
2. All dates previously set in OAH Case number 2012090437 (Second Case) are vacated. The consolidated cases shall proceed on the dates scheduled in OAH Case number 2012080798 (First Case) which are: the PHC for October 10, 2012, at 10:00 a.m., and the hearing for October 17, 2012, and continuing day-to-day Monday through Thursday.
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 OAH Case Number 2012080798 (First Case).

Dated: September 24, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings