

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. 2016010384 (Primary)
REDONDO BEACH UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016010700 ORDER GRANTING MOTION TO CONSOLIDATE

On January 13, 2016, Parent on Student’s behalf filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016010384 (Student’s Case) naming Redondo Beach Unified School District (District). On January 21, 2016, District filed a Request for Due Process Hearing in OAH case number 2016010700 (District’s Case), naming Student.

On February 3, 2016, District’s counsel filed a Motion to Consolidate District’s Case with Student’s and to continue the due process hearing date set in Case Number 2016010700 (District’s Case). District served its motion on the attorney of record in Student’s Case. Student’s attorney filed a notice of representation in District’s case on February 5, 2016. OAH has received no response to the motion on Student’s behalf.

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 case and Student's involve a common question of law or fact. District's case seeks findings involving the appropriateness of its October 2014 and January 2015 assessments of Student. Among other issues, Student's case challenges the appropriateness of the same assessments, seeking independent educational evaluations. Consolidation furthers the interests of judicial economy by avoiding duplication of evidence and potentially inconsistent results. Student has not opposed the motion to consolidate, and District's counsel has represented in her motion that Student's counsel stipulated to consolidate the two matters. Accordingly, consolidation is granted.

Continuance

A due process hearing must be held, and a decision rendered, within 45 days of receipt of the complaint, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).)

District's counsel represented that Student's counsel stipulated to continue the consolidated matter to the dates set in Student's case. Because the cases are consolidated by this Order, and because the dates set for Student's Case shall control the consolidated matters, District's request for a continuance of its case is moot.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2016010700 [District's Case] are vacated.
3. District's Motion to Continue is moot. The consolidated matter shall be heard on the dates set in OAH Case No. 2016010384 [Student's 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 2016010384 [Student's Case].

IT IS SO ORDERED.

DATE: February 5, 2016

DocuSigned by:

Adrienne L. Krikorian

ADRIENNE L. KRIKORIAN

Administrative Hearing Judge

Office of Administrative Hearings