

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. CULVER CITY UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2011060217
CULVER CITY UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2011060075 ORDER GRANTING MOTION TO CONSOLIDATE

On June 1, 2011, Culver City Unified School District (District) filed a Request for Due Process Hearing in OAH case number 2011060075 (First Case), naming Parent on behalf of Student (Student) as respondent.

On June 3, 2011, Student filed a Request for Due Process Hearing in OAH case number 2011060217 (Second Case), naming District as respondent.

On June 6, 2011, Student filed a Motion to Consolidate the First Case with the Second Case. District did not file a response to the motion.

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, the First Case and Second Case involve common questions of law and fact, specifically, both cases involve the enforcement of a settlement agreement and issues related to the settlement. District seeks a determination that it may assess Student pursuant to an assessment plan which was developed as part of the settlement of a prior case and appended

to the settlement agreement as an exhibit. Student seeks enforcement of provisions of the settlement agreement that provide for reimbursement and provisions of services. The cases involve the same parties. Additionally, consolidation will eliminate the possibility of inconsistent rulings and will conserve judicial resources. District did not oppose the motion, but did oppose a Motion for Stay Put that was filed as part of the same document, so it can be inferred that District does not object to consolidation. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2011060075 [First Case] are vacated. The consolidated cases shall proceed on the dates scheduled in the Second case which are: Mediation on July 7, 2011 at 9:30 a.m., a telephonic prehearing conference on July 20, 2011 at 1:30 p.m. and a due process hearing on July 28, 2011 at 9:30 a.m.
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 2011060217 [Second Case].

Dated: June 9, 2011

/s/

GLYNDA B. GOMEZ
Administrative Law Judge
Office of Administrative Hearings