

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

IRVINE UNIFIED SCHOOL DISTRICT,

v.

PARENT on behalf of STUDENT.

OAH CASE NO. 2010020165

ORDER GRANTING MOTION TO
CONSOLIDATE

On February 19, 2010, Irvine Unified School District (District) filed an Amended Request for Due Process Hearing in OAH case number 20100200165, naming Student (Student) as the respondent.

On March 30, 2010, Student Request for Due Process Hearing in OAH case number 2010040013 (Second Case), naming the District as the respondent.

On March 30, 2010, Student filed a Motion to Consolidate the First Case with the Second Case. Student did not request to continue the due process hearing date set in Case Number 20100200165 (first case).

The District did not file a response to the motion.

APPLICATION OF 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].)

Here, the First Case and Second Case involve a common question of law or fact. Each of the cases mirrors the other regarding provision of FAPE for the 2008-2009 and 2009-2010 school years, as well as implementation of the terms of a settlement agreement as denial of FAPE. The District has not opposed the motion. In addition, consolidation furthers the interests of judicial economy because each case involves the same issues and witnesses. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Based upon the request for stipulated continuance granted March 26, 2010, the hearing dated ordered under Case Number 20100200165 (First Case) shall remain as scheduled, the Prehearing Conference in the consolidated cases shall be held on May 10, 2010, at 10:00 a.m., and the Due Process Hearing in the consolidated cases shall be held on May 17, through May 20, 2010 at 9:30 a.m. on the first day.

Dated: April 05, 2010

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings