

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matters of:

REDONDO BEACH UNIFIED SCHOOL  
DISTRICT,

v.

GUARDIAN ON BEHALF OF STUDENT,

OAH CASE NO. 2011040662

GUARDIAN ON BEHALF OF STUDENT,

v.

REDONDO BEACH UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011040833

ORDER DENYING MOTION TO  
CONSOLIDATE

On April 18, 2011, the Redondo Beach Unified School District (District) filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) case number 2011040662 (First Case), naming Student.

On April 22, 2011, Student filed a Request for Due Process Hearing in OAH case number 2011040833 (Second Case), naming the District.

On April 27, 2011, Student filed a Motion to Consolidate the First Case with the Second Case. On April 28, 2011, the District filed an objection to consolidation on the ground that there is not sufficient commonality between the two cases. On April 28, 2011, Student filed 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].)

In the instant case, Student contends that its case should be consolidated with the District's because the hearing for both complaints will involve similar witnesses regarding prior assessments administered to Student. However, the two cases do not share sufficient commonality of factual and legal issues as the District's complaint concerns whether it may conduct its triennial assessment of Student, pursuant to its proposed January 5, 2011 and February 9, 2011 assessment plans, over the Guardian's objections. In contrast, Student's complaint alleges that the District's March 17, 2009 individualized education program and June 12, 2009 behavior support plan denied Student a free appropriate public education (FAPE). While both cases may have similar witnesses, Student did not establish sufficient commonality of factual and legal issues as to the District's assessment request and whether the District denied Student a FAPE several months prior to the District's assessment request, and there is no risk of inconsistent rulings. Therefore, Student did not establish that consolidation would further the interests of judicial economy.

ORDER

Student's Motion to Consolidate is denied.

Dated: April 29, 2011

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings