BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

CORONA-NORCO UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2023010056

OAH CASE NUMBER 2022120051

ORDER FOLLOWING PREHEARING CONFERENCE FOR HEARING BY VIDEOCONFERENCE AND GRANTING MOTION TO CONSOLIDATE

JANUARY 11, 2023

On January 9, 2022, Administrative Law Judge Robert G. Martin, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Elizabeth Harland, Attorney at Law, appeared on behalf of Corona-Norco Unified School District, referred to as Corona-Norco. Hamlet Yarijanian, Attorney at Law,

appeared on behalf of Student. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

STUDENT'S MOTION TO CONSOLIDATE

On December 1, 2022, Corona-Norco filed a Request for Due Process Hearing with OAH, naming Student, in OAH Case number 2022120051, called District's Case. OAH on December 16, 2022, granted Corona-Norco's unopposed request for a continuance and set the hearing of District's Case for January 18 and 19, 2023.

On January 4, 2023, Student filed a Request for Due Process Hearing naming Corona-Norco in OAH Case number 2023010056, called Student's Case. OAH set Student's Case for a PHC on February 13, 2023, and a due process hearing on February 22 and 23, 2023.

Also on January 4, 2023, Student filed a Motion to Consolidate District's Case and Student's Case. At the PHC, Corona-Norco opposed Student's motion.

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate matters that involve the same parties, a common question of law and/or fact, 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, Student's Case and District's Case involve common questions of law or fact. Corona-Norco contends it properly conducted an April 2022 functional behavior assessment of Student, and Student is therefore not entitled to an independent

functional behavior assessment at public expense. Student contends Corona-Norco denied Student a free appropriate public education from April 2021 through the filing of the complaint by failing to offer Student a one-to-one aide trade in applied behavior analysis following Corona-Norco's April 20, 2021 psychoeducational assessment of Student that identified significant issues with hyperactivity, self-regulation, and inappropriate behavior. Student also alleges Corona-Norco's April 2022 functional behavior assessment, and a special circumstances instructional assistance assessment conducted at the same time, further supported Student's need for a one-to-one aide.

Consolidation of Student's Case and District's Case furthers the interests of judicial economy because both cases will involve many of the same factual issues regarding the history of Student's behaviors and the April 2022 functional behavior assessment, and many of the same witnesses and exhibits. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case, OAH case number 2023010056, is designated as the primary case.
3. All previous dates in District's case number 2022120051 are vacated. The consolidated matters shall proceed on the following dates previously set in Student's Case:
    - The Prehearing Conference in the consolidated cases shall be held on February 13, 2023 at 3:00 PM.
    - The Due Process Hearing in the consolidated cases shall be held on February 22 and 23, 2023, beginning at 9:30 AM each day, and

continuing day to day as needed at the discretion of the Administrative Law Judge.

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 Student's Case, OAH case number 2023010056.

IT IS SO ORDERED.



Robert G. Martin

Administrative Law Judge

Office of Administrative Hearings