BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT

V.

RIALTO UNIFIED SCHOOL DISTRICT

OAH CASE NUMBER 2021020860

AND

RIALTO UNIFIED SCHOOL DISTRICT

V.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2021030148

ORDER GRANTING MOTION TO CONSOLIDATE

MARCH 12, 2021

On February 24, 2021, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021020860, called the Student's Case, naming Rialto Unified School District.

On March 2, 2021, Rialto Unified School District filed a Request for Due Process Hearing in OAH case number 2021030148, called Rialto's Case, naming Student.

On March 8, 2021, Student filed a Motion to Consolidate Student's Case with Rialto's Case. On March 12, 2021, Rialto filed notice of non-opposition to Student's motion.

CONSOLIDATION

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].)

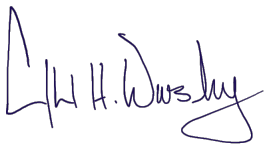
Here, Student's Case and Rialto's Case involve common questions of law and fact, seeking a determination if Rialto provided Student a free appropriate public education during periods of time that overlap. Consolidation furthers the interests of judicial economy because both cases involve similar witnesses and documentary evidence. Rialto did not oppose the motion. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.

2. Student's Case, OAH case number 2021020860, is designated as the Primary Case. All dates previously set in Rialto's Case, OAH case number 2021030148, are vacated.
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 the Primary Case, OAH case number 2021020860.

IT IS SO ORDERED.



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings