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 2022080622

OAH CASE NUMBER 2022090289

ORDER GRANTING MOTION TO CONSOLIDATE AND DENYING MOTION TO CONTINUE

SEPTEMBER 16, 2022

On August 18, 2022, Student filed a Request for Due Process Hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming Corona-Norco Unified School District. OAH designated the case as OAH case number 2022080622. The due process hearing in Student's case is set for October 4, through 6, 2022.

On September 9, 2022, Corona-Norco Unified School District filed a Request for Due Process Hearing with OAH, naming Student. OAH designated the case as OAH case number 2022090289. The due process hearing in Corona-Norco's case is set for October 11, through 13, 2022.

Also, on September 9, 2022, Corona-Norco filed a Motion to Consolidate its case with Student's case and a Motion to Continue the due process hearing in the consolidated cases to the dates set in Corona-Norco's case. Student did not file a response to Corona-Norco's motions.

MOTION TO CONSOLIDATE

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].)

Consolidation is warranted. Student's complaint, among other issues, alleges Corona-Norco denied Student a free appropriate public education, called FAPE, in a May 27, 2022 IEP. Corona-Norco's complaint seeks a finding that the May 27, 2022 IEP offered Student FAPE in the least restrictive environment. A due process hearing for the cases is likely to involve common questions of law and fact, and the same witnesses and documentary evidence. Thus, holding only one due process hearing to resolve the parties' issues furthers the interests of judicial economy. Accordingly, consolidation is granted.

MOTION TO CONTINUE

A due process hearing must be conducted, and a decision rendered, within 45 days of receipt of the due process notice, unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. OAH considers all relevant facts and circumstances in determining whether good cause exists to grant an extension. (See Cal. Rules of Court, rule 3.1332(d).)

Corona-Norco's request to continue the due process hearing in the consolidated cases to October 11, through 13, 2022, is denied. Student's case will be designated the primary case in the consolidated cases, and therefore, the due process hearing will be set for the dates in Student's case.

ORDER

1. Corona-Norco's Motion to Consolidate is granted.
2. Student's case, OAH case number 2022080622, is designated as the primary case. All future documents must be filed in Student's case.
3. All dates set in Corona-Norco's case, OAH case number 2022090289, are vacated.
4. Corona-Norco's Motion to Continue is denied. The prehearing conference and due process hearing in the consolidated cases will proceed on the dates set in Student's case.

5. The 45-day timeline for issuance of the decision in the consolidated cases is based on the date Student filed its complaint.

Tara Doss

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Administrative Law Judge

Office of Administrative Hearings