BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

ROCKLIN UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2020110293

and

PARENT ON BEHALF OF STUDENT,

v.

ROCKLIN UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2020100038

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

NOVEMBER 17, 2020

On November 16, 2020, Administrative Law Judge, Rita Defilippis, 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.

Christian Knox, Attorney at Law, appeared on behalf of Student. Colleen Villarreal, Attorney at Law, appeared on behalf of Rocklin Unified School District. Based upon discussion with the parties, the ALJ issues the following order:

MOTION TO CONSOLIDATE

At the beginning of the prehearing conference, the parties discussed Rocklin's Motion to Consolidate, filed on November 13, 2020. The motion was not timely filed at least three days prior to the prehearing conference in this matter. Rocklin established good cause for the late filing of the motion to consolidate, as it did not file its Request for Due Process until November 12, 2020.

On September 30, 2020, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2020100038, Student's Case, naming Rocklin Unified School District.

On November 12, 2020, Rocklin filed a Request for Due Process Hearing in OAH case number 2020110293, District's Case, naming Student.

On November 13, 2020, Rocklin filed a Motion to Consolidate Student's Case with District's Case, and to continue the due process hearing date set in District's Case, OAH case number 2020110293.

During the prehearing conference, Student opposed the motion to consolidate on the grounds that Student filed a motion to dismiss Rocklin's complaint. Student argued that the motion to consolidate should not be considered until the motion to dismiss is decided. Student also objected to consolidation as it would prejudice Student by barring any claims regarding events after the filing of Student's due process complaint.

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 District's Case involve a common question of law or fact, specifically, whether the September 4, 2020 individualized education program, called an IEP, offered Student a free appropriate public education. In addition, consolidation furthers the interests of judicial economy and prevents inconsistent rulings. Accordingly, consolidation is granted.

Student's motion to dismiss will be ruled on in a separate order. Nothing in this order prevents Student from filing a motion to amend his complaint to include issues that arose after he filed his due process complaint.

MOTION TO CONTINUE

Rocklin's motion to consolidate requested a continuance of hearing dates if District's case was determined to be the primary case in the consolidated matter, based on a conflicting hearing schedule with an earlier-filed due process matter. However, after discussion at the prehearing conference, Rocklin withdrew its request for continuance.

ORDER

1. Rocklin's Motion to Consolidate is granted.
2. District's Case is designated as the primary case. All dates previously set in Student's Case, OAH case number 2020110038, are vacated. The matter shall proceed according to currently scheduled dates in District's Case, OAH case number 2020110293. The Prehearing Conference will be held December 21, 2020, at 10:00 a.m. The Due Process Hearing will be held on December 29, 30, and 31, 2020. All other issues will be discussed at the December 21, 2020 prehearing conference.

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 District's Case, OAH case number 2020110293.

Rita Defilippis
Rita Defilippis (Nov 17, 2020 09:33 PST)

Rita Defilippis

Administrative Law Judge

Office of Administrative Hearings