BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

BONITA UNIFIED SCHOOL DISTRICT,

and

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2021040572

OAH CASE NUMBER 2021030295

ORDER GRANTING MOTION TO CONSOLIDATE AND DESIGNATING DISTRICT CASE AS PRIMARY

APRIL 22, 2021

On March 8, 2021, Student filed with the Office of Administrative Hearings, referred to as OAH, a request for due process hearing, OAH case number 2021030295, naming Bonita Unified School District. On April 16, 2021, Bonita Unified School District filed a request for due process hearing in OAH case number 2021040572, naming Student.

On April 16, 2021, Bonita Unified School District filed a motion to consolidate its case with Student's Case, maintaining that the two cases have a common question of law and fact, and involve the same witnesses and evidence.

On April 19, 2021, Student opposed consolidation arguing Bonita Unified School District is attempting to delay this matter which will prejudice Student because Student is currently not receiving appropriate services. Additionally, Student's counsel is unavailable in June 2021.

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, the two cases involve a common question of law or fact, specifically, the appropriateness of Student's 2020 individualized education program and amendments. Additionally, consolidation furthers the interests of judicial economy because the hearing will involve some of the same witnesses and evidence. Student's contention that consolidation will prejudice Student is unpersuasive because granting Bonita Unified School District's motion will delay the due process hearing by one week only to May 11, 2021. Accordingly, consolidation is granted.

ORDER

1. Bonita Unified School District's motion to consolidate is granted.
2. Bonita Unified School District's Case, OAH case number 2021040572, is designated as the primary case. All dates previously set in Student's case, OAH case number 2021030295, 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 Primary Case, OAH case number 2021040572.

Cynthia Fritz

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Administrative Law Judge

Office of Administrative Hearings