BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

v.

ROCKLIN UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2020110250

and

ROCKLIN UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2020120137

ORDER GRANTING MOTION TO CONSOLIDATE

DECEMBER 10, 2020

On November 9, 2020, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2020110250, naming Rocklin Unified School District. Student's Case is scheduled for hearing beginning January 12, 2020.

On December 2, 2020, Rocklin filed a Request for Due Process Hearing in OAH case number 2020120137, naming Student. Rocklin's Case is scheduled for hearing beginning December 29, 2020.

On December 9, 2020, the parties filed a Stipulation to Consolidate Cases. This is treated as a joint motion to consolidate Student's Case and Rocklin's Case.

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, both cases involve a common question of law or fact, specifically, whether Rocklin's September and October 2020 individualized education programs offer Student a free appropriate public education for the 2020-2021 school year. Therefore, consolidation is warranted. In addition, consolidation furthers the interests of judicial economy because both cases involve the same parties, and many of the same witnesses will be required to testify in each proceeding. Each matter will also involve the introduction of some of the same documents. Accordingly, consolidation is granted.

When consolidating cases, OAH designates the statutory timelines applicable to the consolidated matters to be controlled by one of the cases. Here, the statutory timeline shall be controlled by Student's Case.

ORDER

1. The parties' joint Motion to Consolidate is granted.
2. Student's Case is designated as the primary case.
3. All dates previously set in Rocklin's Case, OAH case number 2020120137, are vacated.
4. The consolidated matters shall proceed on the dates previously set for hearing in Student's Case, OAH case number 2020110250. Mediation for the consolidated cases will be held on December 14, 2020, beginning at 9:00 a.m. The prehearing conference shall be held on January 4, 2021, at 3:00 p.m., and the due process hearing will begin on January 12, 2021, at 9:30 a.m. each day, continuing day to day as needed at the discretion of the Administrative Law Judge.
5. 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 2020110250.

IT IS SO ORDERED.

Theresa Ravandi

Theresa Ravandi
Administrative Law Judge
Office of Administrative Hearings