BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

RIVERSIDE UNIFIED SCHOOL DISTRICT,

and

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2022050467

OAH CASE NUMBER 2022040173

ORDER GRANTING MOTION TO CONSOLIDATE

MAY 16, 2022

On April 4, 2022, Parent on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2022040173, Student's Case, naming Riverside Unified School District.

On May 11, 2022, Riverside Unified School District filed a Request for Due Process Hearing in OAH case number 2022040173, Riverside's Case, naming Student.

On May 11, 2022, Riverside filed a Motion to Consolidate the cases and to have the consolidated matter proceed on the consolidated matter proceed on the due process hearing dates set in Riverside's Case, OAH case number 2022050467. Student opposed the motion on May 16, 2022.

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].)

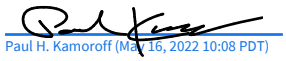
Here, both cases involve a common question of law or fact, specifically, the appropriateness of Riverside's assessments. In addition, consolidation furthers the interests of judicial economy because the cases involve common witnesses and evidence. Accordingly, consolidation is granted.

ORDER

1. Riverside's Motion to Consolidate is granted.
2. Riverside's Case is designated as the primary case. All dates previously set in Student's Case, OAH case number 2022040173, are vacated.
3. The hearing for the consolidated cases shall be held on the dates set for Riverside's Case, OAH Case number 2022050467, the primary case for this mater.

4. 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 2022050467.

IT IS SO ORDERED.



Paul H Kamoroff

Administrative Law Judge

Office of Administrative Hearings