BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

RIVERSIDE UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2022030740

OAH CASE NUMBER 2022040196

ORDER GRANTING RIVERSIDE UNIFIED SCHOOL DISTRICT'S MOTION TO CONSOLIDATE

APRIL 12, 2022

On March 22, 2022, Parent on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH 2022030740, Student's Case, naming Riverside Unified School District.

On April 6, 2022, Riverside Unified School District filed a Request for Due Process Hearing in OAH case number 2022040196, Riverside's Case, naming Parent on behalf of Student.

On April 6, 2022, Riverside Unified School District filed a Motion to Consolidate the cases. Student did not file a response to the motion.

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 Riverside Unified School District's November 2021 psychoeducational and speech and language assessments of Student were legally appropriate. Student did not oppose the motion to consolidate. In addition, consolidation furthers the interests of judicial economy because the complaints involve common questions of law and fact and consolidating the matters will save time and prevent inconsistent rulings. Accordingly, consolidation is granted.

ORDER

1. Riverside Unified School District's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Riverside's Case, OAH case number 2022040196, 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 2022030740.
4. All dates shall proceed as currently scheduled in Primary Case.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings