

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:
CORONA-NORCO UNIFIED SCHOOL DISTRICT,

and

PARENT ON BEHALF OF STUDENT,
OAH CASE NUMBER 2021090190
OAH CASE NUMBER 2021090196

ORDER GRANTING MOTION TO CONSOLIDATE

SEPTEMBER 13, 2021

On September 7, 2021, Corona-Norco Unified School District filed with the Office of Administrative Hearings a Request for an Expedited Due Process Hearing in OAH case number 2021090190, First Case, naming Student.

On September 8, 2021, Student filed a Request for an Expedited Due Process Hearing in OAH case number 2021090196, Second Case, naming Corona-Norco.

On September 10, 2021, the parties jointly filed a Motion to Consolidate First Case with Second 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, First Case and Second Case both involve only expedited issues regarding a common question of law or fact, specifically, if Corona-Norco may remove Student to an interim alternative educational setting. In addition, consolidation furthers the interests of judicial economy because many of the same witnesses and much of the same evidence would be presented during both hearings. Accordingly, consolidation is granted.

ORDER

1. The parties' joint Motion to Consolidate is granted.
2. First Case is designated as the primary case. All dates previously set in Second Case, OAH case number 2021090196, are vacated.

3. The timeline for issuance of the decision in the consolidated expedited cases shall be based on the date of the filing of the complaint in Primary Case, OAH case number 2021090190.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Linda Johnson".

Linda Johnson

Administrative Law Judge

Office of Administrative Hearings