

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

CORONA-NORCO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021090266

ORDER DENYING MOTION TO CONSOLIDATE

SEPTEMBER 20, 2021

On February 8, 2021, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021020277, First Case, naming Corona-Norco Unified School District.

On September 9, 2021, Student filed a second Request for Due Process Hearing in OAH case number 2021090266, also naming Corona-Norco Unified School District.

On September 13, 2021, Student filed a Motion to Consolidate his First Case with his Second Case.

On September 14, 2021, Student notified OAH that the First Case had settled pending Board approval. The hearing dates in the First Case were therefore vacated.

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 First Case has been settled and the hearing dates vacated, while the Second Case is still pending. Because of the settlement and vacating of the hearing dates in the First Case, there are no longer two cases to consolidate. The Motion to Consolidate is moot and is hereby denied.

ORDER

Student's Motion to Consolidate is denied.

IT IS SO ORDERED.



June Lehrman

Administrative Law Judge

Office of Administrative Hearings