

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:
PARENT ON BEHALF OF STUDENT,

and

RIVERSIDE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021090246

OAH CASE NUMBER 2021100557

ORDER GRANTING MOTION FOR CONSOLIDATION

OCTOBER 21, 2021

Student filed a Request for Due Process Hearing on September 8, 2021 in OAH Case Number 2021090246 (Student's Case.) On October 20, 2021, Riverside filed a Request for Due Process Hearing in OAH case number 2021100557 (Riverside's Case). Riverside concurrently filed a motion to consolidate Riverside's Case with Student's Case. Student filed a notice of non-opposition on October 25, 2021.

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].)

Student's Case and Riverside's Case involve a common question of law or fact. Both cases seek a ruling by OAH as to the appropriateness of multiple assessments conducted by Riverside, among other issues. Consolidation furthers the interests of judicial economy because the two cases will involve the same parties, the same witnesses and the same or similar evidence.

Riverside's Motion for Consolidation is granted. Riverside's Case, OAH Case Number 2021100557, is designated as the primary case. All dates previously set in Student's Case are vacated. The prehearing conference and due process hearing shall take place on the dates set forth in the Scheduling Order issued in Riverside's Case, OAH Case Number 2021100557, unless otherwise ordered. 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 Riverside's Case, OAH case number 2021100557.

IT IS SO ORDERED.

Adrienne L. Krikorian

Adrienne L. Krikorian

Administrative Law Judge

Office of Administrative Hearings