

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PARENT ON BEHALF OF STUDENT

and

ROCKLIN UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 2021110659
OAH CASE NUMBER 2021090870

ORDER GRANTING MOTION TO CONSOLIDATE

NOVEMBER 23, 2021

On September 28, 2021, Rocklin Unified School District filed with the Office of Administrative Hearings, known as OAH, a Request for Due Process Hearing in OAH case number 2021090870, Rocklin's Case, naming Student.

On November 23, 2021, Student filed a Request for Due Process Hearing in OAH case number 2021110659, Student's Case, naming Rocklin.

On November 23, 2021, Student filed a Motion to Consolidate Rocklin's Case with Student's Case. Also on November 23, 2021, Rocklin filed a Notice of Non-Opposition to Student's Motion to Consolidate.

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, Rocklin's Case and Student's Case involve common questions of law and fact, concerning the assessments Rocklin conducted and the educational plan developed at the May 18, 2021 Individualized Educational Plan team meeting. Rocklin does not oppose the motion. In addition, consolidation furthers the interests of judicial economy by allowing both matters to be resolved in one hearing, lessening the burden on the witnesses, the parties, and judicial resources. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Rocklin's Case, OAH case number 2021090870, 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 Student's Case, OAH case number 2021110659. All further filings should be made under that case number. This matter shall proceed on the dates set in the November 23, 2021 Scheduling Order issued in Student's case. The

Prehearing conference will be held on January 3, 2022, at 1:00 PM. All prehearing conference statements and prehearing motions must be filed by December 29, 2021. Hearing will take place from January 11 through January 13, 2022.

IT IS SO ORDERED.

Chris Butchko

Chris Butchko

Administrative Law Judge

Office of Administrative Hearings