

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 2021110728

OAH CASE NUMBER 2021110357

ORDER FOLLOWING PREHEARING CONFERENCE AND
GRANTING MOTION TO CONSOLIDATE

NOVEMBER 29, 2021

On November 29, 2021, Administrative Law Judge Kara Hatfield, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney Damien Troutman, appeared on behalf of Student. Attorney Tilman Heyer appeared on behalf of Rocklin Unified School District. The PHC was recorded.

On November 12, 2021, Rocklin filed with OAH a Request for Due Process Hearing in OAH case number 2021110357, Rocklin's Case, naming Student. On November 24, 2021, Student filed a Request for Due Process Hearing in OAH case number 2021110728, Student's Case, naming Rocklin. On November 24, 2021, Student also filed a Motion to Consolidate Rocklin's Case with Student's Case, and to set the hearing dates in the consolidated matter as the dates set by the Scheduling Order in Student's Case. The parties discussed the Motion to Consolidate during the PHC. Rocklin did not oppose 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 the May 28, 2021 individualized education program offered or denied Student a free appropriate public education. Consolidation furthers the interests of judicial economy because the common issue will involve the same or similar evidence, including exhibits and witnesses.

Accordingly, consolidation is granted. Student's Case, OAH case number 2021110728, will be designated as primary. All hearing dates in Rocklin's Case are vacated. The PHC and due process hearing in the consolidated case shall take place on the dates stated in the Scheduling Order issued in Student's Case, unless otherwise

ordered. All other PHC matters shall be addressed during the PHC in the consolidated case.

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 2021110728.

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings