

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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

AND

RIVERSIDE UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 2021100590
OAH CASE NUMBER 2022020409

ORDER GRANTING MOTION TO CONSOLIDATE

FEBRUARY 18, 2022

On October 20, 2021, Student filed with the Office of Administrative Hearings a request for due process hearing in OAH case number 2021100590, Student's Case, naming Riverside Unified School District, called Riverside. On February 8, 2022, OAH granted Student's motion to file a first amended complaint.

On February 11 2022, Riverside filed a request for due process hearing in OAH case number 2022020409, Riverside's Case, naming Student.

On February 14, 2022, Riverside filed a motion to consolidate the cases.

Student did not file a response to the consolidation motion.

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 the adequacy of the psychoeducational, and speech and language, assessments Riverside conducted in late 2021. Student did not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the same witnesses and exhibits will be presented in both cases. Accordingly, consolidation is granted.

ORDER

1. Riverside's motion to consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Riverside's Case, OAH case number 2022020409, are vacated.
3. The consolidated matter shall proceed on the dates previously set for hearing in Student's Case, OAH case number 2021100590.

4. 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 the primary case, OAH case number 2021100590.

IT IS SO ORDERED.

Sabrina Kong

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Administrative Law Judge

Office of Administrative Hearings