

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

AND

FONTANA UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2021100874

OAH CASE NUMBER 2022020749

ORDER GRANTING MOTION TO CONSOLIDATE

FEBRUARY 24, 2022

On October 28, 2022, Student filed with the Office of Administrative Hearings a request for due process hearing in OAH case number 2021100874, Student's Case, naming Fontana Unified School District, called Fontana.

On February 22, 2022, Fontana filed a request for due process hearing in OAH case number 2022020749, Fontana's Case, naming Student.

On February 22, 2022, Fontana also filed a motion to consolidate the cases.

On February 24, 2022, Student filed a response to the consolidation motion stating that he did not object 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 same assessment results. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the same witnesses and documentary evidence will be presented in both cases. Accordingly, consolidation is granted.

ORDER

1. Fontana's motion to consolidate is granted.
2. Student's Case is designated as the primary case.
3. All dates previously set in Fontana's Case, OAH case number 2022020749, are vacated. The consolidated matters shall proceed on the dates previously set for hearing in Student's Case, OAH case number 2021100874.

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 2021100874.

IT IS SO ORDERED.

Sabrina Kong

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Administrative Law Judge

Office of Administrative Hearings