

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

CUCAMONGA SCHOOL DISTRICT,

OAH CASE NUMBER 2022010463

OAH CASE NUMBER 2022030030

ORDER GRANTING MOTION TO CONSOLIDATE

MARCH 15, 2022

On January 18, 2022, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings in OAH case number 2022010463, naming Cucamonga School District as respondent. On February 25, 2022, Cucamonga filed a Request for Due Process Hearing in OAH case number 2022030030, naming Student as respondent. On March 9, 2022, Cucamonga filed a Motion to Consolidate the cases. On March 10, 2022, Student filed a notice of non-opposition to the motion.

The parties previously, jointly requested and were granted continuances pursuant to requests for mediation in both cases. The request in Student's case was granted on February 8, 2022, with Mediation scheduled for March 29, 2022, Prehearing conference

scheduled on May 13 at 10:00 AM, and hearing scheduled to begin on May 24, 2022. The joint request granted in District's case on March 10, 2022, mirrored the dates and times for all events scheduled in Student's case.

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); and Code of Civ. Proc., § 1048, subd. (a).)

Here, both cases involve a common question of law or fact, specifically, whether assessments for vision therapy and Central Auditory Processing Disorder are warranted and whether Student is entitled to independent educational evaluations in those areas. Consolidation furthers the interests of judicial economy by eliminating the need for multiple hearings with duplicative witnesses and evidence. Accordingly, consolidation is granted.

ORDER

1. Cucamonga's Motion to Consolidate is granted. Student's Case, OAH Case Number 2022010463, is designated as the primary case. All dates shall proceed as scheduled in Student's case.
2. All dates previously set in Cucamonga's Case, OAH case number 2022030030, 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 2022010463.

IT IS SO ORDERED.

Penelope S. Pahl

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Administrative Law Judge

Office of Administrative Hearings