BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

v.

NORRIS SCHOOL DISTRICT,

OAH CASE NUMBER 2020010423

and

NORRIS SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2020060184

ORDER GRANTING MOTION TO CONSOLIDATE

JUNE 08, 2020

On January 14, 2020, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2020010423, referred to as Student's Case, naming Norris School District. Student filed a first amended complaint on May 7, 2020.

On June 4, 2020, Norris School District filed a Request for Due Process Hearing in OAH case number 2020060184, referred to as Norris District's Case, naming Student. Norris School District concurrently filed a motion to consolidate Norris District's Case with Student's case. Student filed a Notice of Non-opposition to consolidation on June 5, 2020.

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, Student's Case and Norris District's Case involve a common question of law or fact. Specifically, both complaints seek a ruling as to whether Norris District offered Student a free appropriate public education in his January 22, 2020 individualized education program. Consolidation furthers the interests of judicial economy because the two cases will involve the same witnesses, similar evidence, and pertain to generally the same issues. Accordingly, consolidation is granted.

ORDER

1. Norris Unified's Motion to Consolidate is granted.

2. Student's Case is designated as the primary case. All dates previously set in Norris Unified's Case, OAH case number 2020060184, are vacated.
3. The consolidated matters shall proceed on the dates set for hearing in the Primary Case, OAH case number 202010423.
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 amended complaint in Primary Case, OAH case number 2020010423, unless otherwise ordered.

IT IS SO ORDERED.

DocuSigned by:
Adrienne L. Krikorian
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Adrienne L. Krikorian

Administrative Law Judge

Office of Administrative Hearings