BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. RIALTO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2016020671
RIALTO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016061303 ORDER DENYING MOTION TO CONSOLIDATE

On June 30, 2016, District filed a due process complaint (OAH Case No. 2016061303), naming Student (District's Case). District' Case is set for hearing on July 26, 2016. District concurrently filed a motion to consolidate District's Case with OAH Case No. 2016020671, which Student file in February 2016 (Student's Case). District's Motion to Consolidate was argued by the parties at the July 1, 2016 prehearing conference in Student's Case.

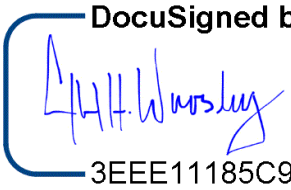
Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the 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, consolidation would delay the hearing in Student's Case, which had already been continued on District's motion. The issues in District's Case were known to the District since the February 2016 filing of Student's Case. Yet, District delayed in filing its complaint and motion to consolidate until the day before the prehearing conference in Student's Case. Additionally, District was unwilling to stipulate to advance the hearing in District's Case to the hearing in Student's Case. Consolidation at this late date does not serve the interests of judicial economy or raise the likelihood of inconsistent rulings. Accordingly, the motion to consolidate is denied.

IT IS SO ORDERED.

DATE: July 01, 2016

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CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings