

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CORONA-NORCO UNIFIED SCHOOL
DISTRICT,

v.

PARENTS on behalf of STUDENT.

OAH CASE NO. 2009061130

ORDER DENYING MOTION TO
CONSOLIDATE

On June 22, 2009, the Corona-Norco Unified School District (District) filed a request for due process hearing, naming Student and his Parents as the respondents (Student). This matter was designated as OAH Case No. 2009061130. That case is currently set for hearing on October 13 – 15, 2009.

On September 28, 2009, Student filed a request for due process hearing, naming the District as the respondent. This matter was designated as OAH Case No. 2009091601. On the same day, Student filed a motion to consolidate case number 2009091601 with case number 2009061130. On September 30, 2009, the District filed an opposition to that motion.

DISCUSSION

OAH will generally consolidate matters that involve a common question of law and/or fact and that involve the same parties, and when consolidation of the matters furthers the interests of judicial economy and will obviate potentially inconsistent rulings. While no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, California statutes offer, by analogy, a standard appropriate to special education cases. Government Code section 11507.3, subdivision (a), provides that an administrative law judge “may” order pending administrative proceedings consolidated if they involve “a common question of law or fact . . .” California Code of Civil Procedure section 1048, subdivision (a), applies the same standard to the consolidation of civil cases.

In the instant case, Student’s motion does not demonstrate good cause for the consolidation. The due process request filed by Student contains many more issues than those contained in the District’s due process request and would require more days of hearing than the three days currently set.

In addition, the hearing in the District's case is set to start in approximately two weeks. Student waited until the 11th hour before the hearing to file the motion. It would not serve the interests of judicial economy to delay and lengthen the District's case.

Student's motion to consolidate is hereby denied.

ORDERS

1. Student's motion to consolidate is denied.
2. All dates will remain on calendar in both matters as previously set.

Dated: October 1, 2009

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings