BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. CONEJO VALLEY UNIFIED SCHOOL DISTRICT,	OAH Case No. 2017120251
CONEJO VALLEY UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017120033 ORDER GRANTING MOTION TO CONSOLIDATE AND SETTING PREHEARING CONFERENCE AND HEARING

On November 29, 2017, Conejo Valley Unified School District filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Student (District's Case). District's issues for hearing were whether District's October 2, 2017 psychoeducational assessment and September 22, 2017 speech and language assessment were appropriately conducted, such that Student is not entitled to independent educational assessments in those areas at public expense. OAH set the matter for hearing on December 27, 2017.

On December 4, 2017, Student filed a complaint with OAH, naming District in OAH case number 2017120251 (Student's Case). Student contended, among other things, that District failed to offer Student an appropriate program, services, and placement, and requested relief including placement in a non-public school, reimbursement for Student services obtained by Parent, and compensatory education. OAH set hearing of Student's Case for January 30, 2018.

On December 18, 2017, OAH granted District's motion for leave to amend its complaint to add the issue of whether District's September 18, 2017 offer of a program, services, and placement, as amended on October 13, 2017 and November 20, 2017, constituted a free, appropriate public education, such that District may implement its FAPE offer without Parent's consent. District's first amended complaint was deemed filed as of December 18, 2017, and OAH set hearing of District's Case for January 11, 2018.

On December 14, 2017, District filed a motion to consolidate District's Case with Student's Case, and to proceed on the consolidated matters on the dates set in Student's case.

On December 18, 2017, Student's filed an opposition to District's motion to Consolidate.

Consolidation

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, District's Case and Student's Case involve common question of law or fact, specifically, whether District's September 18, 2017 offer of a program, services, and placement, as amended on October 13, 2017 and November 20, 2017, constituted a free, appropriate public education. In addition, consolidation furthers the interests of judicial economy because both cases involve the same factual issues regarding the development of Student's IEP and will involve the same witnesses and exhibits. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. Student's Case Number 2017120251 is designated as the primary case in the consolidated matters, and all future pleadings and other documents in the consolidated matters are to be maintained in that case file.
3. All dates previously set in District's Case, OAH case Number 2017120033, are vacated.
4. The consolidated cases shall proceed on the dates previously set in Student's Case, as follows:

   Last Day to File Mediation Request: January 17, 2018.

   Prehearing Conference: January 22, 2018 at 3:00 p.m.

   Hearing: January 30, 2018 at 9:30 a.m., and continuing thereafter day-to-day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

5. The 45-day timeline for issuance of the decision in the consolidated matters shall be based on Student's Case Number 2017120251..

IT IS SO ORDERED.

DATE: December 20, 2017

DocuSigned by:

ROBERT G. MARTIN
Administrative Law Judge
Office of Administrative Hearings