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 NUMBER 2021020362

AND

CONEJO VALLEY UNIFIED SCHOOL DISTRICT,

V.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2021030817

ORDER GRANTING MOTION TO CONSOLIDATE

APRIL 2, 2021

On February 10, 2021, Student filed with the Office of Administrative Hearings a request for due process hearing in OAH case number 2021020362, First Case, naming Conejo Valley Unified School District. The Office of Administrative Hearings is called OAH. Conejo Valley Unified School District is called Conejo. On March 1, 2021, OAH continued the hearing, which was set to start on June 8, 2021.

On March 23, 2021, Conejo filed a request for due process hearing in OAH case number 2021030817, Second Case, naming Student. The hearing was set to start on April 13, 2021.

On March 30, 2021, the parties jointly filed a motion to consolidate the First Case with the Second 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) [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, the First Case and the Second Case involve a common question of law or fact, specifically the same December 14, 2020 psychological assessment. Both parties requested consolidation. In addition, consolidation furthers the interests of judicial economy because the same witnesses and exhibits will be presented in both cases. Accordingly, consolidation is granted.

ORDER

1. The parties' joint motion to consolidate is granted.
2. First Case is designated as the primary case. All dates previously set in Second Case, OAH case number 2021030817, are vacated.
3. The mediation in the consolidated cases shall be on May 6, 2021. The prehearing conference in the consolidated cases shall be held on May 28, 2021, at 1:00 PM, and the due process hearing in the consolidated cases shall be held on June 8, 9, and 10, 2021, beginning at 9:30 AM on all days, continuing day to day as needed at the discretion of the Administrative Law Judge.
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 complaint in the primary case, OAH case number 2021020362.

IT IS SO ORDERED.

Sabrina Kong

Sabrina Kong
Administrative Law Judge
Office of Administrative Hearings