

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

v.

SIMI VALLEY UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2014040741

SIMI VALLEY UNIFIED SCHOOL
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH Case No. 2014050838

ORDER GRANTING MOTION TO
CONSOLIDATE

On April 15, 2014, Parents on behalf of Student filed a request for due process hearing (complaint) in OAH case number 2014040741, naming the Simi Valley Unified School District. Student contended that Simi Valley has denied her a free appropriate public education by failing to appropriately assess her in February 2014, and by failing to find her eligible for special education and related services under the categories of other health impaired and specific learning disability.

On May 12, 2014, Simi Valley filed a complaint naming Student in OAH case number 2014050838. Simi Valley contends that its February 2014 assessments of Student are legally sufficient and that it therefore is not required to fund an independent educational evaluation as requested by Student as a remedy in her complaint.

On May 12, 2014, Simi Valley also filed a motion to consolidate its case with that of Student. Student has not filed a reply to Simi Valley's motion.

LEGAL ARGUMENT

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, Simi Valley's case and Student's case involve a common question of law or fact, specifically, the scope and validity of Simi Valley's assessments. Many of the same witnesses will need to testify in both cases, and many of the same exhibits will be offered. Consolidation therefore furthers the interests of judicial economy. Accordingly, consolidation is granted.

ORDER

1. Simi Valley's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014050838 (Simi Valley's case) are vacated.
3. 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 OAH Case Number 2014040741 (Student's Case).
4. Since the parties have settled these two cases, all dates are vacated pending review of the settlement agreement by Simi Valley's Board of Education. Should the Board fail to approve the settlement agreement, OAH will discuss new hearing dates with the parties at the status conference scheduled for June 25, 2014.

DATE: May 20, 2014

/s/
DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings