

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

VENTURA UNIFIED SCHOOL DISTRICT,

and

GUARDIANS ON BEHALF OF STUDENT,

OAH CASE NUMBER 2021080427

OAH CASE NUMBER 2021110630

ORDER GRANTING MOTION TO CONSOLIDATE

NOVEMBER 23, 2021

On August 10, 2021, Guardians on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021080427, Student's Case, naming the Ventura Unified School District. On November 23, 2021, Student filed a first amended complaint.

On November 22, 2021, Ventura filed a Request for Due Process Hearing in OAH case number 2021110630, Ventura's Case, naming Student.

On November 23, 2021, Ventura filed a Motion to Consolidate Student's Case with its case. On that same day Student filed a notice of non-opposition to consolidation.

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, both cases involve common questions of law and fact. Student's first amended complaint alleges that Ventura has denied him a free appropriate public education, called a FAPE, by declining to make him eligible for special education and related services. That decision turned in part on a psychoeducational assessment completed by Ventura in September 2021. Student alleges that the September 2021 assessment was inadequate and inappropriate because it did not evaluate him in the areas of autism, attention, motor skills or mental health. Student has requested an independent educational evaluation. Ventura has declined the request, and its complaint alleges that its September 2021 assessment is appropriate in all respects, so that Student is not entitled to an independent educational evaluation at public expense.

Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy by eliminating duplicative effort and the possibility of inconsistent judgments. Accordingly, consolidation is granted.

ORDER

1. Ventura's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Ventura's Case, OAH case number 2021110630, are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the Amended Scheduling Order issued November 23, 2021 in Student's case, OAH case number 2021080427.

IT IS SO ORDERED.

Charles Marson

Charles Marson

Administrative Law Judge

Office of Administrative Hearings