

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

SIMI VALLEY UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2021110168

OAH CASE NUMBER 2022020002

ORDER GRANTING MOTION TO CONSOLIDATE

FEBRUARY 2, 2022

On November 4, 2021, Student filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2021110168, Student's Case, naming Simi Valley Unified School District, called Simi Valley.

On January 14, 2022, OAH granted Student's motion to amend the due process complaint. OAH issued a scheduling order setting the prehearing conference on February 28, 2022, at 10:00 AM, and the due process hearing on March 8, 9, and 10, 2022.

On January 27, 2022, Simi Valley filed a Request for Due Process Hearing in OAH case number 2022020002, Simi Valley's Case, naming Student.

On January 27, 2022, Simi Valley filed a Motion to Consolidate Student's case and Simi Valley's case. Student did not file a response to the motion.

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 the same parties, and common question of law or fact, specifically, the appropriateness of Simi Valley's October 22, 2021 triennial assessments of Student. Consolidation is appropriate as both cases involve common witnesses and documentary evidence. Consolidation therefore furthers the interests of judicial economy and avoids the risk of inconsistent rulings. Accordingly, consolidation is granted.

ORDER

1. Simi Valley's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Simi Valley's Case, OAH case number 2022020002, 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 Student's Case, OAH case number 2021110168.

IT IS SO ORDERED.

Rita Defilippis

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Administrative Law Judge

Office of Administrative Hearings