

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

CONEJO VALLEY UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2022020252

OAH CASE NUMBER 2022030771

ORDER GRANTING MOTION TO CONSOLIDATE AND
DESIGNATING STUDENT'S CASE AS PRIMARY CASE

MARCH 30, 2022

On February 8, 2022, Student filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2022020252 naming Conejo Valley Unified School District. Student's Case is scheduled for hearing beginning May 10, 2022.

On March 22, 2022, Conejo Valley filed a Request for Due Process Hearing in OAH case number 2022030771 naming Student. Conejo Valley's Case is scheduled for hearing beginning April 19, 2022.

On March 22, 2022, Conejo Valley filed a motion to consolidate its case with Student's Case. Student has not filed a response.

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 or fact, specifically, whether Conejo Valley appropriately assessed Student through its May 2021 multidisciplinary assessment, whether Student is entitled to independent educational evaluations in the areas assessed, and whether Student remains eligible for special education and related services. As such, consolidation is warranted. In addition, consolidation furthers the interests of judicial economy because both cases involve the same parties, and many of the same witnesses will be required to testify in each proceeding. Each matter will also involve the introduction of many of the same documents. Accordingly, consolidation is granted.

When consolidating cases, OAH designates the statutory timelines applicable to the consolidated matters to be controlled by one of the cases. Here, the statutory timeline shall be controlled by Student's Case, OAH Case Number 2022020252.

ORDER

1. Conejo Valley's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Conejo Valley's Case, OAH case number 2022030771, 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 Primary Case, OAH case number 2022020252.

IT IS SO ORDERED.

Theresa Ravandi

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Administrative Law Judge

Office of Administrative Hearings