

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENTS ON BEHALF OF STUDENT,

and

CONEJO VALLEY UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2022030819

OAH CASE NUMBER 2022030461

ORDER GRANTING MOTION TO CONSOLIDATE

MARCH 25, 2022

On March 14, 2022, Conejo Valley Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing, called a complaint, in OAH case number 2022030461, Conejo Valley Unified's Case, naming Student.

On March 23, 2022, Parents on behalf of Student filed a complaint in OAH case number 2022030819, Student's Case, naming Conejo Valley Unified. On March 23, 2022, Student filed a Motion to Consolidate the cases. OAH did not receive a response to the motion from Conejo Valley Unified.

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 a common question of law or fact, specifically, whether Conejo Valley Unified's efforts to assess Student in the area of speech and language pursuant to the October 7, 2021, and January 27, 2022 assessment plans were legally complaint such that Conejo Valley Unified may assess Student pursuant to the plans without parental consent. Conejo Valley Unified's complaint contends the requests to assess Student's speech and language functioning was procedurally compliant and the need for an assessment necessary. Student's complaint contends Conejo Valley Unified's efforts to assess Student's speech and language functioning was improper, and Conejo Valley Unified impeded Parents' ability to make an informed decision regarding consent to the assessment plans.

In addition, consolidation furthers the interests of judicial economy because the same evidence and witnesses will be presented in both cases on the issue as to whether Conejo Valley Unified may assess Student's speech and language functioning without parental consent. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Conejo Valley Unified's Case, OAH case number 2022030461, 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 2022030819.

IT IS SO ORDERED.

Rommel P. Cruz

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Administrative Law Judge

Office of Administrative Hearings