

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 2026060594

OAH CASE NUMBER 2026070558

ORDER FOLLOWING PREHEARING CONFERENCE,
DISMISSING STUDENT'S ISSUES 2 AND 3, GRANTING
MOTION TO CONSOLIDATE, AND GRANTING REQUEST
FOR CONTINUANCE

JULY 17, 2026

On July 10, 2026, Administrative Law Judge Ashok Pathi, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney David German appeared on behalf of Student. Attorney Melissa Hatch appeared on behalf of Conejo Valley Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

CONEJO VALLEY'S MOTION TO DISMISS ISSUES

On July 13, 2026, Conejo Valley filed a Motion to Dismiss alleging OAH lacks jurisdiction to adjudicate Issues 2 and 3, as alleged in Student's complaint. OAH did not receive a response from Student prior to the PHC. Student did not raise arguments opposing the motion during the PHC.

APPLICABLE LAW

The purpose of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.) is to "ensure that all children with disabilities have available to them a free appropriate public education," and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.) A party has the right to present a complaint "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a) [party has a right to present a complaint regarding matters involving proposal or refusal to initiate or change the identification, assessment, or educational placement of a child; the provision of a free appropriate public education to a child; the refusal of a parent or guardian to consent to an assessment of a child; or a disagreement between a parent or guardian and the public education agency as to the availability of a program appropriate for a child, including the question of financial responsibility].) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified School. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

OAH does not have jurisdiction to decide claims based on Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), Section 1983 of Title 42 United States Code, the Americans with Disabilities Act (42 U.S.C. §§ 12101, et seq.), or the Unruh Civil Rights Act (Civ. Code, § 51).

DISCUSSION

Student's Issue 2 alleges multiple violations under the Americans with Disabilities Act. Student's Issue 3 alleges multiple violations under Section 504 of the Rehabilitation Act of 1973. OAH does not have jurisdiction to adjudicate these claims. Accordingly, Student's Issues 2 and 3 are dismissed in their entirety.

CONEJO VALLEY'S MOTION TO CONSOLIDATE

On June 10, 2026, Student filed a Request for Due Process Hearing in OAH case number 2026060594, called Student's Case, naming Conejo Valley.

On July 13, 2026, Conejo Valley filed a Request for Due Process Hearing in OAH case number 2026070558, called Conejo Valley's Case, naming Student.

On July 15, 2026, Conejo Valley filed a Motion to Consolidate the two cases. During the PHC, Student did not oppose 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 common questions of law or fact, specifically, regarding the May 2026 individualized education program, called an IEP, and assessments reviewed during the related IEP team meetings. Moreover, Student did not oppose the motion. In addition, consolidation conserves the parties' resources, prevents the possibility of conflicting rulings, and furthers the interests of judicial economy because it would prevent potentially two different administrative law judges hearing substantially similar, if not identical, evidence.

Accordingly, consolidation is granted. Student's case, OAH Case number 2026060594, will be designated the primary case. All pending dates in Conejo Valley's case, OAH Case number 2026070558, are vacated. 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 2026060594.

CONEJO VALLEY'S MOTION TO CONTINUE

Conejo Valley timely moved to continue the prehearing conference and due process hearing. Conejo Valley asserts that multiple district employees who are material witnesses to both Student and District's cases are unavailable due to various reasons, including preplanned travel and mandatory training obligations.

Student did not respond to the motion prior to the PHC. During the PHC, Student did not raise substantive arguments against the motion.

OAH must conduct a due process hearing and render a decision within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a);

Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

The request for continuance is granted for good cause. All previously scheduled dates are vacated. The case shall proceed as follows:

PREHEARING CONFERENCE will be held on August 7, 2026, at 10:00 AM.

All other prehearing matters shall be addressed at the August 7, 2026, prehearing conference. All prehearing motions must be filed three business days before the PHC.

Due Process Hearing will be held on August 18, through 20, 2026.

The hearing will be conducted via telephone or videoconference and shall begin at 9:30 AM and end at 3:30 PM on all days, unless otherwise ordered. The hearing shall continue day to day at the discretion of the ALJ.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing "good cause" to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed.

SETTLEMENT

The parties are encouraged to continue working together to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. In addition, if a settlement is reached within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH by visiting [OAH Secure e-file](https://www.applications.dgs.ca.gov/oah/oahsftweb) at <https://www.applications.dgs.ca.gov/oah/oahsftweb>.

If a full and final written settlement agreement is reached after 4:00 PM the day prior to hearing, the parties shall leave a voicemail message regarding the settlement at (916) 274-6035. The parties should also leave contact information such as cellular phone numbers of each party or counsel for each party.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received and processed by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ. The assigned ALJ will check for messages before the hearing.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the parties shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

FAILURE TO COMPLY

Failure to comply with this order may result in the exclusion of evidence or other sanctions.

ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the prehearing conference. Any discussion and conversation not referenced in this Order is not binding on the ALJ conducting the hearing and may not be relied upon by the parties. The parties should be aware that, at hearing, the ALJ conducting the hearing has discretion to reconsider any part of this Order.

ORDER

1. Conejo Valley's Motion to Dismiss Issues 2 and 3 is granted. Student's Issues 2 and 3 are dismissed in their entirety.
2. Conejo Valley's Motion to Consolidate is granted.
 - a. Student's Case is designated as the primary case.
 - b. All dates previously set in Conejo Valley's Case, OAH case number 2026070558, are vacated.
 - c. 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 2026060594.
3. Conejo Valley's Motion to Continue is granted.
 - a. The Prehearing Conference will be held by videoconference or telephone on August 7, 2026, at 10:00 AM.

- b. The Due Process Hearing will be held by videoconference or telephone on August 18, through 20, 2026.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi

Administrative Law Judge

Office of Administrative Hearings