

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

SIMI VALLEY UNIFIED SCHOOL
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH Case No. 2016040248

PARENTS ON BEHALF OF STUDENT,

v.

SIMI VALLEY UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2016040763

ORDER GRANTING STUDENT'S
MOTION TO CONSOLIDATE

PROCEDURAL BACKGROUND

The Simi Valley Unified School District filed a request for due process hearing (complaint) with the Office of Administrative Hearings on April 5, 2016, in OAH case number 2016040248 (District's case), naming Parents on behalf of Student. District's complaint seeks to show that it offered Student a free appropriate public education in its individualized education program offer of December 9, 2015.

On April 13, 2016, Student filed a complaint in OAH case number 2016040763 (Student's case.) Student contends that District's December 9, 2015 IEP offer is procedurally and substantively defective. Student also contends that District failed to assess him in all areas of suspected disability.

Student filed a motion to consolidate his case with that of District on April 13, 2016. District filed a notice of non-opposition to Student's motion on April 18, 2016.

On April 18, 2016, the parties filed a joint request to continue District's case. OAH has granted the motion, setting the dates as requested by the parties.

APPLICABLE LAW AND DISCUSSION

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; 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].)

Even though Student's complaint raises several issues not raised in District's complaint, both complaints put at issue the validity of District's December 9, 2015 IEP offer. The two cases will therefore involve common questions of fact and law, and will involve many of the same witnesses and exhibits. District does not oppose consolidation. Consolidating the cases therefore furthers the interests of judicial economy and avoids the potential for conflicting decisions on the cases. Student's motion to consolidate is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2016040763 [Student's Case] are vacated.
3. District's case is designated the primary case and the 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of District's complaint in OAH Case Number 2016040248.
4. The consolidated matter shall proceed pursuant to the dates in the OAH order granting the parties' joint request for continuance. Mediation shall be held on May 17, 2016. The telephonic prehearing conference shall be held on May 27, 2016, at 3:00 p.m. The due process hearing shall be held on June 7, 8, 9, 14, 15, and 16, 2016.

DATE: April 19, 2016

DocuSigned by:

Darrell Lepkowsky

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DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings