

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

GARDEN GROVE UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2019040332

GARDEN GROVE UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2019040020

ORDER FOLLOWING PREHEARING
CONFERENCE GRANTING MOTION
TO CONSOLIDATE

On April 15, 2019, a telephonic prehearing conference was held before Administrative Law Judge Deborah Myers-Cregar, Office of Administrative Hearings. Tracy Johnson, Attorney at Law, appeared on behalf of Garden Grove Unified. Parent appeared on behalf of Student. The prehearing conference was recorded.

Based upon discussion with the parties, the ALJ issues the following order:

Motion to Consolidate

On March 29, 2019, Garden Gove Unified filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2019040020 (Garden Grove Unified's Case), naming Student. On April 8, 2019, Parent filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2019040332 (Student's Case), naming Garden Grove Unified.

On April 12, 2019, Garden Grove Unified filed a Motion to Consolidate its Case with Student's case.

Parent responded in writing to Garden Grove Unified's attorney that she did not object to the motion. Additionally, at the prehearing conference, Parent reiterated that she did not object to the consolidation of the two cases.

Consolidation

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].)

Here, Garden Grove Unified's Case and Student's Case involve a common question of law or fact, specifically, whether Garden Grove Unified's 2018 Multidisciplinary Assessment and Assessment Report appropriately evaluated Student's unique needs. Student's issue alleges Student may also have a learning disability, a speech and language impairment, and occupational therapy needs, which were not appropriately assessed. Student also alleges that Student's undated Individualized Education Program does not provide him with needed supports, accommodations and modifications, including a one-to-one aide, and extended school year services and supports. Student alleges the drafts of the IEP document were not shared with Parents. Student also requests a change in Student's program supervisor. These common issues of fact would involve the same witnesses and documentary evidence. Consolidation furthers the interests of judicial economy because one ALJ would hear the case and witnesses would be called to testify only once.

ORDER

1. Garden Grove's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2019040020, [Garden Grove Unified's Case], 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 OAH Case Number 2019040332 [Student's Case].
4. The prehearing conference, and the due process hearing dates will be according to the Student's case which are as follows:

Prehearing conference:	May 24, 2019, at 10:00 a.m.
Due Process Hearing:	June 4, 5, and 6, 2019, and continuing day to day at the discretion of the ALJ. The first day of hearing will begin at 9:30 a.m. and end at 5:00 p.m., and all other days shall begin at 9:00 a.m. and end at 4:30 p.m., unless otherwise ordered by the ALJ.

5. The primary case shall be Student's Case, and the parties shall use the consolidated caption for all filings after this date.

6. The parties agreed to meet and confer about mutually convenient mediation dates, and shall timely request a mediation with OAH.

IT IS SO ORDERED.

DATE: April 15, 2019

DocuSigned by:
Deborah Myers-Cregar
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DEBORAH MYERS-CREGAR
Administrative Law Judge
Office of Administrative Hearings