

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENTS ON BEHALF OF STUDENT,

and

GARDEN GROVE UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2024040485

OAH CASE NUMBER 2024080984

ORDER GRANTING GARDEN GROVE UNIFIED SCHOOL
DISTRICT'S MOTION TO CONSOLIDATE

SEPTEMBER 6, 2024

On April 12, 2024, Parents on behalf of Student filed a request for due process hearing with the Office of Administrative Hearings in OAH case number 2024080984, Student's Case, naming Garden Grove Unified School District, called Garden Grove as respondent. The Office of Administrative Hearings is referred to as OAH.

On August 26, 2024, Garden Grove filed a request for due process hearing in OAH case number 2024080984, Garden Grove's Case, naming Student as respondent.

On September 5, 2024, Garden Grove filed a motion to consolidate the cases. On September 5, 2024, Student filed a statement of non-opposition to Garden Grove's motion to consolidate.

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. The cases both involve whether Garden Grove offered Student a free appropriate public education, called FAPE, for the 2023-2024 regular and extended school year in an April 11, 2024 individualized education program, called IEP. Garden Grove seeks an order finding the April 11, 2024 IEP's offer of placement and services was reasonably calculated to provide Student a FAPE in the least restrictive environment such that Garden Grove may implement the IEP without parental consent. Student challenges whether Garden Grove's FAPE offer met Student's needs. 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 case. Accordingly, consolidation is granted.

ORDER

1. Garden Grove's motion to consolidate is granted.
2. Student's Case, OAH case number 2024040485, is designated as the primary case.

3. All dates previously set in Garden's Grove Case, OAH case number 2024080984, are vacated.
4. The consolidated matters shall proceed on the dates set in Student's Case, OAH case number 2024040485.
5. 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 2024040485.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings