

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

PALM SPRINGS UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2024090414

OAH CASE NUMBER 2024090014

ORDER GRANTING MOTION TO CONSOLIDATE

SEPTEMBER 16, 2024

On August 29, 2024, Palm Springs Unified School District, called Palm Springs, filed with the Office of Administrative Hearings, called OAH, a request for due process hearing in OAH case number 2024090014, Palm Springs' Case, naming Student.

On September 9, 2024, Student filed a request for due process hearing in OAH case number 2024090414, Student's Case, naming Palm Springs.

On September 13, 2024, Student filed a motion to consolidate the cases. On September 13, 2024, Palm Springs filed a statement of non-opposition to the 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 Palm Springs denied Student a free appropriate public education, called FAPE, in an October 17, 2023, individualized education program, called IEP, as finalized on June 3, 2024. Palm Spring seeks an order determining the IEP offered Student a FAPE such that Palm Springs may implement the IEP without parental consent. Student's Case challenges the adequacy of Palm Springs' FAPE offer. Student's Case alleges the October 17, 2023, IEP, as finalized on June 3, 2024, failed to offer Student adequate goals, related services and supports, and placement in the least restrictive environment.

In addition, consolidation furthers the interests of judicial economy because the cases involve the same parties, witnesses, and documentary evidence. Accordingly, consolidation is granted.

ORDER

1. Student's motion to consolidate is granted.
2. Student's Case, OAH case number 2024090414, is designated as the primary case.

3. All dates previously set in Palm Springs' Case, OAH case number 2024090014, are vacated.
4. The consolidated matters shall proceed on the dates set in Student's Case, OAH case number 2024090414.
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 2024090414.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings