

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

FULLERTON SCHOOL DISTRICT,
OAH CASE NUMBER 2024090644
OAH CASE NUMBER 2024100304

ORDER GRANTING MOTION TO CONSOLIDATE

OCTOBER 17, 2024

On September 17, 2024, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2024090644, Student's Case, naming Fullerton School District.

On October 8, 2024, Fullerton School District filed a Request for Due Process Hearing in OAH case number 2024100304, Fullerton School District's Case, naming Student.

On October 8, 2024, Fullerton School District filed a Motion to Consolidate the above cases.

Student did not respond to the Fullerton School District's 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 a common question of law or fact, specifically, whether Fullerton provided Student a free appropriate public education at the March 28, 2024, individual education program team meeting, called IEP, and continued to May 2, 2024. Similarly, Fullerton seeks to defend its FAPE offer at the same meeting and seeks an order from OAH to allow it to implement the IEP over parental objection. Accordingly, consolidation is granted.

ORDER

1. Fullerton School District's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Fullerton School District's Case, OAH case number 2024100304, 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 Student's Case, OAH case number 2024090644.

IT IS SO ORDERED.

Tiffany Gilmartin

Tiffany Gilmartin

Administrative Law Judge

Office of Administrative Hearings