

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  GARDEN GROVE UNIFIED SCHOOL DISTRICT,  v.  PARENTS ON BEHALF OF STUDENT,	OAH CASE NO. 2010071376
PARENTS ON BEHALF OF STUDENT,  v.  GARDEN GROVE UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2010080078  ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO CONTINUE

On July 30, 2010, Garden Grove Unified School District (District) filed a Request for Due Process Hearing in OAH case number 2010071376 (First Case), naming Parents on behalf of Student (Parents) as Respondent.

On August 3, 2010, Parents filed a Request for Due Process Hearing in OAH case number 2010080078 (Second Case), naming the District as Respondent.

On August 11, 2010, Parents filed a Motion to Consolidate the First Case with the Second Case and to continue the mediation, prehearing conference and due process hearing date set in Case Number 2010071376 (first case).

The District did not file a response to the motion.

**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, the First Case and Second Case involve a common question of law or fact, specifically, whether the District denied Student a free and appropriate public education (FAPE) by failing to conduct an appropriate assessment and failing to assess Student in all areas of suspected disability conducted in June 2010. The District does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because of judicial economy. Accordingly, consolidation is granted.

### **ORDER**

1. Parent's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2010071376 (First Case) are vacated.
3. The consolidated cases shall be those scheduled in OAH Case Number 2010080078 (Second Case) as follows: The Mediation in the above-captioned case shall be held on September 9, 2010 at 9:30 a.m.; the Prehearing Conference in the consolidated cases shall be held on September 20, 2010, at 10:00 a.m. and the Due Process Hearing in the consolidated cases shall be held on September 28, 2010 through October 5, 2010 at 9:30 a.m. on the first day.
4. 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 2010080078 (Second Case).

Dated: August 17, 2010

/s/

---

ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings