

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. 2012101101
GARDEN GROVE UNIFIED SCHOOL DISTRICT,  v.  PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2012100319  ORDER GRANTING MOTION TO CONSOLIDATE

On October 5, 2012, the Garden Grove Unified School District (District) filed a request for due process hearing (complaint) in OAH Case Number 2012100319, naming Student (First Case). In that complaint, the District asks the Office of Administrative Hearings (OAH) to find that the District's February 23, 2012 offer to Student of placement and services constitutes a free appropriate public education (FAPE) in the least restrictive environment.

On October 29, 2012, Student filed a complaint in OAH Case Number 2012101101 naming the District (Second Case). In his complaint, Student alleges that the District procedurally and substantively denied him a FAPE during the 2011-2012 and 2012-2013 school years. Student's issues overlap the time frame and issues raised by the District in its complaint.

On October 29, 2012, Student also filed a motion to consolidate the First Case with the Second Case. Student contends that the issues raised in both cases are similar, and that the hearings will therefore cover some, if not all, of the same witnesses, testimony, and evidence.

The undersigned Administrative Law Judge (ALJ) convened a prehearing conference in the First Case on October 31, 2012. At that time, the District indicated that it did not oppose Student's motion to consolidate Student's case with the District's case. The ALJ orally granted Student's motion to consolidate at that time.

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].)

A review of the allegations of the two cases here indicates that they involve common questions of law and fact. Although Student's complaint covers a more extensive period of time, both of the complaints raise the issue of whether the District offered Student a FAPE during the 2011-2012 school year. Consolidation therefore furthers the interests of judicial economy. Accordingly, Student's motion to consolidate is granted.

#### ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2012100319 [First 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 2012101101 [Second Case].
4. The dates for the consolidated case shall be those presently set in OAH Case Number 2012101101 (Second Case):

MEDIATION: December 4, 2012

PREHEARING CONFERENCE: December 19, 2012, at 10:00 a.m.

DUE PROCESS HEARING: December 26, 2012

Dated: October 31, 2012

/s/

---

DARRELL LEPKOWSKY  
Administrative Law Judge  
Office of Administrative Hearings