

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

WESTMINSTER SCHOOL DISTRICT and  
GARDEN GROVE UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2016010821

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GARDEN GROVE UNIFIED SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2016020947

ORDER GRANTING GARDEN  
GROVE'S MOTION TO CONSOLIDATE  
AND MOTION TO CONTINUE

Student filed a Request for Due Process Hearing (complaint) with the Office of Administrative Hearings on January 25, 2016, in OAH case number 2016010821, naming the Westminster School District and the Garden Grove Unified School District.

On February 23, 2016, Garden Grove filed a complaint in OAH case number 2016020947, naming Student. Garden Grove simultaneously filed a motion to consolidate its case with that of Student, and to continue the dates to the dates set in Garden Grove's case.

Westminster School District filed a notice of non-opposition to Garden Grove's motion to consolidate on February 29, 2016. Student has not filed an opposition or other response to Garden Grove's motion.

APPLICABLE LAW

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 due process hearing must be held, and a decision rendered, within 45 days of receipt of the complaint, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).)

## DISCUSSION

### *Consolidation*

Student has raised several issues in his complaint, including allegations that both school districts did not meet their child find obligations to him. He also contends that when Garden Grove did assess him and find him eligible for special education and related services, it failed to assess him in all areas of suspected disability and failed to offer him a free appropriate public education that met his unique needs. At issue in Student's complaint are assessments that Garden Grove conducted in May 2015.

Garden Grove's complaint, while narrower in focus than Student's complaint, also concerns its May 2015 assessments. Garden Grove seeks to demonstrate the validity of the academic portion of its May 2015 assessments, such that Student is not entitled to an independent educational evaluation. The issues concerning the assessments in Student's complaint and in Garden Grove's complaint will involve similar issues, evidence, and witnesses. Student has not opposed Garden Grove's motion to consolidate. In addition, consolidation furthers the interests of judicial economy by avoiding the need for two hearings. For these reasons, Garden Grove's motion to consolidate is granted.

### *Continuance*

Garden Grove's motion to continue the initially set dates in its case demonstrates good cause for a continuance, and is hereby granted.

## ORDER

1. Garden Grove's motion to consolidate is granted.
2. 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 2016010821 [Student's case].
3. Garden Grove's continuance request is granted and all dates previously set in OAH Case Number 2016010821 [Student's Case] are vacated, and this

consolidated matter shall proceed to prehearing on March 18, 2016, at 10:00 a.m.  
and to hearing on March 23, 2016.

DATE: March 11, 2016

DocuSigned by:

*Darrell Lepkowsky*

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DARRELL LEPKOWSKY

Administrative Law Judge

Office of Administrative Hearings