BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. TUSTIN UNIFIED SCHOOL DISTRICT,	OAH Case No. 2018010512
TUSTIN UNIFIED SCHOOL DISTRICT , v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018010057 ORDER GRANTING MOTION TO CONSOLIDATE

On January 3, 2018, Tustin Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH Case No. 2018010057 (District's Case), naming Student.

On January 16, 2018, Student filed a Request for Due Process Hearing in OAH Case No. 2018010512 (Student's Case), naming District.[1]

On January 16, 2018, Student filed a Motion to Consolidate Student's Case with District's Case and to continue the due process hearing date set in OAH Case No. 2018010057 (District's Case).

District does not object 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

[1] Student's request to continue the dates in District's Case to the dates in Student's Case are moot as Student's case is now the primary matter.

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, Student's Case and District's Case involve common questions of law and fact, specifically, the appropriateness of the November 20, 2017 multidisciplinary assessments. District does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both cases require the same witnesses and exhibits. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case No. 2018010057 (District's Case) are vacated.
3. This matter shall proceed on the dates in Student's Case. The Prehearing Conference in the consolidated cases shall be held on March 5, 2018, at 3:00 p.m. and the Due Process Hearing in the consolidated cases shall be held on March 13, 2018, at 9:30 a.m. on the first day, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The last day to file a request for mediation is February 28, 2018.
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 No. 2018010512 (Student's Case).

IT IS SO ORDERED.

DATE: January 19, 2018

DocuSigned by:
Judith Pasewark

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings