BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: DUBLIN UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017120716
PARENT ON BEHALF OF STUDENT, v. DUBLIN UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018010982 ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO CONTINUE

On December 19, 2017, Dublin Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2017120716, naming Student (Dublin's Case). On January 25, 2018, Student filed a Request for Due Process Hearing in OAH case number 2018010982, naming Dublin Unified School District (Student's Case).

On March 7, 2018 both parties individually filed a Motion to Consolidate the two above named due process hearing cases.

Also on March 7, 2018, Student filed a motion to continue dates to April 3-5, 2018 as those dates were set prior to Dublin's motion to amend complaint was granted on February 26, 2018. Dublin filed a response on March 8, 2018. Dublin does not oppose Student's request; however, counsel for Dublin is unavailable the first week in April as she is currently scheduled for a due process hearing in a matter filed before the instant case.

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, Student's Case and Dublin's Case involve a common question of law or fact, specifically, whether Student's placement is appropriate to meet her unique needs. Moreover, both parties have requested consolidation of these matters. Accordingly, consolidation is granted.

Continuance

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).)

Dublin Unified School District's motion to continue the hearing demonstrates good cause as counsel for the District will be engaged in a due process hearing for an earlier filed case before OAH. Counsel unavailability is good cause for a brief continuance.

ORDER

1. The parties' Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2017120716 Dublin's Case are vacated.
3. Student's Motion to Continue is granted. The Prehearing Conference in the consolidated cases shall be held on April 2, 2018, at 3 p.m and the Due Process Hearing in the consolidated cases shall be held on April 10-12, 2018 at 9:30 a.m. on the first day, 9:00 a.m. on subsequent days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.
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 2018010982 Student's Case.

IT IS SO ORDERED.

DATE: March 9, 2018

DocuSigned by:
Tiffany Gilmartin
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TIFFANY GILMARTIN
Administrative Law Judge
Office of Administrative Hearings