BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017051304 ORDER DENYING MOTION TO CONSOLIDATE

This matter was filed by the Fairfield-Suisun Unified School District on May 26, 2017, and has been continued twice. On August 7, 2017, in an Order Following Prehearing Conference, the undersigned denied Parent's motion for a third continuance, and on August 9, 2017, denied Parent's renewed motion for a third continuance. The matter has long been set for hearing beginning August 15, 2017.

Shortly before the close of business on Friday, August 11, Parent filed a request for due process hearing and a request to combine (consolidate) the new matter with this one. Fairfield-Suisun has not yet replied to the motion. At this time, the new case has not been opened and there is no description in the motion of the issues raised in the new case.

The motion is untimely. At no time prior to or during the prehearing conference did Parent mention she was contemplating filing a new complaint and asking that the matters be consolidated. . The Order Following Prehearing Conference required that any motion filed after that date be accompanied by a declaration under oath explaining why the motion was not filed sooner. Parent has not filed such a declaration. Further, there is no indication that Fairfield-Suisun was served with a copy of the motion to consolidate.

Finally, consolidation one day before the hearing would substantially prejudice Fairfield-Suisun, which has prepared for the hearing. Fairfield-Suisun's case seeks an order permitting it to put into effect an educational program for Student for the school year now starting . Consolidation would effectively continue the hearing on its case for months into the fall and would frustrate Fairfield-Suisun's attempt to settle the content of Student's program until well into the school year the proposed program would govern.

For all of these reasons, the motion to consolidate is DENIED. The hearing in this matter will proceed as scheduled, beginning August 15, 2017.

DATE: August 14, 2017

DocuSigned by:
Charles Marson
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CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings