

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PAJARO VALLEY UNIFIED SCHOOL
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT,

OAH Case No. 2015060991

PARENTS ON BEHALF OF STUDENT,

v.

PAJARO VALLEY UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015050333

ORDER DENYING MOTION TO
DISMISS

On April 27, 2015, Student filed a due process hearing complaint naming Pajaro Valley Unified School District as respondent. On June 19, 2015, Pajaro Valley filed a due process hearing request naming Student as respondent. The cases were consolidated on June 30, 2015.

On July 24, 2015, Pajaro Valley filed a motion to dismiss four of the issues raised in Student's complaint alleging that they are barred by the doctrine of collateral estoppel due to a decision rendered on October 28, 2014, in *Student v. Pajaro Valley*, OAH Case No. 2013090347. That case involved the same parties as in this consolidated matter.

On July 29, 2015, Student filed an opposition asserting that the issues raised in Student's current complaint were not litigated in Case no. 2013090347 and are, therefore, not barred by the doctrine of collateral estoppel.

APPLICABLE LAW

Federal and state courts have traditionally adhered to the related doctrines of res judicata and collateral estoppel. (*Allen v. McCurry* (1980) 449 U.S. 90, 94 [101 S.Ct. 411, 66 L.Ed.2d 308]; *Levy v. Cohen* (1977) 19 Cal.3d 165, 171 [collateral estoppel requires that

the issue presented for adjudication be the same one that was decided in the prior action, that there be a final judgment on the merits in the prior action, and that the party against whom the plea is asserted was a party to the prior action]; see 7 Witkin, California Procedure (4th Ed.), Judgment § 280 et seq.) Under collateral estoppel, once a court has decided an issue of fact or law necessary to its judgment, that decision may preclude re-litigating the issue in a suit on a different cause of action involving a party to the first case. (*Ibid.*; *Lucido v. Superior Court* (1990) 51 Cal.3d 335, 341; see also *Migra v. Warren City School Dist. Bd. of Ed.* (1984) 465 U.S. 75, 77, n. 1 [104 S.Ct. 892, 79 L.Ed.2d 56] [federal courts use the term “issue preclusion” to describe the doctrine of collateral estoppel].)

Collateral estoppel serves many purposes, including relieving parties of the cost and vexation of multiple lawsuits, conserving judicial resources, and, by preventing inconsistent decisions, encouraging reliance on adjudication. (*Allen, supra*, 449 U.S. at p. 94; see *University of Tennessee v. Elliott* (1986) 478 U.S. 788, 798 [106 S.Ct. 3220, 92 L.Ed.2d 635].) While collateral estoppel is a judicial doctrine, it also applies administrative hearings. (See *Pacific Lumber Co. v. State Resources Control Board* (2006) 37 Cal.4th 921, 944, citing *People v. Sims* (1982) 32 Cal.3d 468, 479; *Hollywood Circle, Inc. v. Department of Alcoholic Beverage Control* (1961) 55 Cal.2d 728, 732.)

However, the Individuals with Disabilities Education Act (IDEA) contains a section that modifies the general analysis regarding collateral estoppel. The IDEA specifically states that nothing in the Act shall be construed to preclude a parent from filing a separate due process complaint on an issue separate from a due process complaint already filed. (20 U.S.C. § 1415(o); 34 C.F.R. § 300.513(c) (2006); Ed Code, § 56509.) Therefore, although parties are precluded from re-litigating issues already heard and decided in previous due process proceedings, parents are not precluded from filing a new due process complaint on issues that could have been raised and heard in the first case, but were not..

DISCUSSION AND ORDER

Student’s current complaint alleges that Pajaro Valley failed to offer Student a free appropriate public education, both procedurally and substantively, in the IEP dated May 27, 2014. In the prior case (OAH 2013090347) the May 27, 2014, IEP was not contested. There was a discussion with the parties on the record at the outset of the hearing during which Student’s counsel specifically limited her issues to the time period prior to May 27, 2014. Additionally, the decision in that case, authored by the undersigned ALJ, makes clear that no findings of fact or conclusions of law were made regarding the May 27, 2014, IEP.

Pajaro Valley also argues that there was no allegation that Student’s needs changed from May 26, 2014 (at time period at issue in the prior case) to the following day. In the prior case it was determined that Pajaro Valley procedurally denied Student a FAPE for several months prior to May 26, 2014, and accordingly no substantive determinations were made regarding Student’s unique needs as they existed on May 26, 2014, or for several months preceding that date. As Student aptly argues in her opposition, students’ needs change over time. Accordingly, the IDEA and corresponding State law require IEP teams to

meet annually to craft IEP's. In Student's current case, an analysis of Student's unique needs and whether or not Pajaro Valley accurately identified and offered an IEP to meet those needs on May 27, 2014, does not run the risk of inconsistent rulings because no prior ruling was made as to those issues in OAH 2013090347.

Accordingly, Pajaro Valley's motion to dismiss Issues 1, 2, 3, and 5, all related to the May 27, 2014, IEP, is denied.

IT IS SO ORDERED.

DATE: July 28, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings