BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
IRVINE UNIFIED SCHOOL DISTRICT,	OAH Case No. 2018051156
v.	ORDER GRANTING DISTRICT'S REQUEST FOR OFFICIAL NOTICE
PARENT ON BEHALF OF STUDENT.	

On May 25, 2018, District filed a Request for Due Process Hearing, naming Student. On June 6, 2018, District filed a Request for Official Notice, of the January 22, 2018 decision in OAH Case No. 2017040667. Student did not file a response.

District based its Request for Official Notice on Government Code section 11515 and Evidence Code sections 451, subdivision (a), and 452, subdivisions (c) and (d). Due process hearings authorized by the California Department of Education are not conducted pursuant the Government Code section 11500 et seq., and section 11515 is not applicable to the cases OAH hears under the Education Code and related California Code of Regulations provisions.

District's Request for Official Notice indicates, without specifically stating the concept by name, that District seeks to avoid re-litigating the question of the appropriateness of District's 2017 assessments of Student and to collaterally estop Student from challenging the timeliness or if Student was assessed in all areas of suspected disability. For the limited purpose of evaluating a request for collateral estoppel, OAH will take official notice of the January 22, 2018 decision in OAH Case No. 2017040667 pursuant to Evidence Code section 451, subdivision (a).

If District seeks a determination regarding collateral estoppel/issue preclusion, District is ordered to file and serve a written motion specifying the precise contours of the preclusive effect District seeks from the January 22, 2018 decision in OAH Case No. 2017040667.

IT IS SO ORDERED.

DATE: June 14, 2018

DocuSigned by:
Linda Johnson
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LINDA JOHNSON
Administrative Law Judge
Office of Administrative Hearings