BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PALO ALTO UNIFIED SCHOOL DISTRICT

V.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025080258

ORDER FOLLOWING PREHEARING CONFERENCE. DENYING MOTION TO DISMISS AND GRANTING MOTION TO CONTINUE

OCTOBER 3, 2025

On October 3, 2025, Administrative Law Judge Clifford H. Woosley, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney Nicole Hodge Amey appeared on behalf of Student. Attorney Nicole N. Mirkazemi appeared on behalf of Palo Alto Unified School District, called Palo Alto. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

PROCEDURAL POSTURE

On August 6, 2025, Palo Alto filed a request for due process, naming Student. With the complaint, Palo Alto also filed a motion to consolidate this, Palo Alto's Case, with a due process matter involving Palo Alto and Student, OAH Case No. 2025030847, called the Student's Case At the time of the motion's filing, Student's Case was set to start hearing on August 12, 2025. OAH denied the motion to consolidate this Palo Alto's Case with Student's Case on August 11, 2025.

On August 20, 2025, Palo Alto filed a motion to continue this matter. On August 22, 2025, Student filed a motion to continue. The parties' motions to continue were based upon the unavailability of their counsel, who were in hearing on Student's Case. On August 25, 2025, ALJ Woosley convened the PHC and granted the parties' motions to continue, continuing PHC to October 3, 2025, and the due process hearing to October 14, 15, and 16 2025.

The parties completed their hearing in the Student's Case on September 11, 2025. The parties' closing briefs in Student's Case are due to be filed October 9, 2025, at which time the Student's Case will be submitted for decision. The decision in Student's Case is expected to be issued by mid-November 2025.

STUDENT'S MOTION TO DISMISS

On September 26, 2025, Student filed a motion to dismiss Palo Alto's Case, in its entirety. On September 29, 2025, Palo Alto filed opposition to the motion to dismiss. The parties addressed Student's motion to dismiss at the October 3, 2025 PHC.

Student asserts that Palo Alto's Case should be dismissed because the factual and legal issues in Palo Alto's Case will be decided by the decision to be issued in the

Student's Case, pursuant to the doctrines of res judicata and collateral estoppel. Student argues that Palo Alto's Case refers to a June 2, 2025 modification to Student's August 14, 2023 IEP, which was central to the factual and legal issues addressed at hearing in Student's Case. Student's Case involved the same parties, witnesses, experts, assessments, and documentary evidence as Palo Alto's Case. Therefore, Palo Alto's Case should be dismissed.

Palo Alto acknowledges that many of the factual and legal issues in Palo Alto's Case may be addressed and ruled upon by the decision in Student's Case. However, Palo Alto argues that its case seeks a determination that Student's June 2, 2025 IEP offered Student a FAPE. The June 2025 IEP modification was not an issue in Student's case and Palo Alto is therefore entitled to file and pursue the issue in Palo Alto's Case.

Under the doctrine of res judicata, a final judgment on the merits of an action precludes the parties or their agents from relitigating issues that were or could have been raised in that action. (*Allen v. McCurry* (1980) 449 U.S. 90, 94 [101 S.Ct. 411, 66 L.Ed.2d 308].) Under collateral estoppel, once a court has decided an issue of fact or law necessary to its judgment, that decision may preclude relitigation of 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].)

The doctrine of issue preclusion bars parties from bringing claims that were or could have been raised in a prior action, once a final judgment has been entered. However, 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 relitigating issues already heard in previous due process proceedings, parties 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.

Palo Alto's Case seeks an order that its June 2025 IEP modification offered Student a FAPE. Palo Alto's June 2025 IEP modification offer was not an issue in Student's Case. Issue preclusion regarding claims that could have been included in a prior due process request, but were not, does not apply in special education proceedings. Palo Alto is therefore entitled to pursue a separate due process hearing regarding it June 2025 IEP offer. (20 U.S.C. § 1415(o); 34 C.F.R. § 300.513(c) (2006); Ed Code, § 56509.) Student's motion to dismiss is denied, without prejudice.

PALO ALTO'S MOTION TO CONTINUE

On October 1, 2025, Student filed a motion to continue Palo Alto's Case, until after the decision is issued in Student's Case.

A due process hearing must be conducted, and a decision rendered, within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include:

- the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances;
- substitution of an attorney when the substitution is required in the interests of justice;

- a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or
- another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing.

(Ed. Code, § 56505, subd. (f)(3); Cal. Rules of Court, rule 3.1332(c).

OAH considers all relevant facts and circumstances, including the length of requested continuance, prejudice to a party or witness as a result of a continuance, and whether the interests of justice are served.

The doctrines of res judicata and collateral estoppel serve 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.) Collateral estoppel and res judicata are judicial doctrines, which are also applied to determinations made in administrative settings. (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.)

Here, Palo Alto agrees with Student's contention that many factual and legal issues to be decided in the upcoming decision in Student's Case, will likely be determinative of factual and legal issues in Palo Alto's Case. Delaying hearing in Palo Alto's Case, until after the issuance of the decision in Student's Case, will avoid inconsistent determinations, prevent unnecessary litigation, and conserve judicial resources.

Palo Alto's motion to continue the hearing, until after issuance of the decision in Student's Case, is granted. All dates are vacated, and this matter is scheduled as follows:

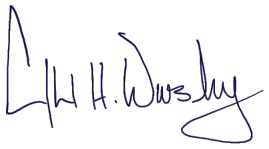
PREHEARING CONFERENCE will be held on December 1, 2025, at 1:00 PM.

DUE PROCESS HEARING will be held on December 9, 10 and 11, 2025.

The hearing shall begin at 9:30 AM on all days unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the Administrative Law Judge. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference or with a showing of good cause why it was not timely filed.

The parties are directed to meet and confer, after the issuance of the decision in Student's Case, before the December 1, 2025 PHC in Palo Alto's Case, to discuss and stipulate to factual and legal issues decided in Student's Case, which shall be applied in the hearing of Palo Alto's Case.

IT IS SO ORDERED.



Clifford H. Woosley
Administrative Law Judge
Office of Administrative Hearings