BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

V.

CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2020010595

ORDER GRANTING MOTION TO TAKE JUDICIAL NOTICE AND APPLY COLLATERAL ESTOPPEL

November 30, 2020

On January 16, 2020, Student and Parents, collectively referred to as Student, filed the complaint in this matter, naming Chaffee Joint Union High School District. The complaint alleges that Chaffee failed to provide a free appropriate public education, referred to as a FAPE, to Student, during the 2019-2020 school year.

On October 19, 2020, Chaffey filed a Motion Requesting Judicial Notice and Application of Collateral Estoppel. In its Motion, Chaffee requested the ALJ take judicial notice of the decision dated August 23, 2018, in a prior OAH case involving Student and Chafee, *Chafee Joint Union High School District v. Student* (2018) OAH Case No. 2018050543, referred to as the Prior Case. Chafee also requested the ALJ take judicial notice of two subsequent orders of the United States District Court for the Central District of California, upholding the ALJ's decision in the Prior Case, and

dismissing Student's appeals and challenges to the decision in the Prior Case. These two orders are: Order Dismissing Complaint Without Prejudice, *T.M. v. Chaffey Joint Union School District* (C.D. Cal., June 24, 2019, No. ED CV 18-2265-JFW), and Order Granting Motion to Dismiss, *T.M. v. Chaffey Joint Union School District* (C.D. Cal., May 21, 2020, No. ED CV 20-160-JFW).

Chafee's Motion further requested that the doctrine of collateral estoppel be applied, such that Student is barred from litigating in this matter whether Chaffee offered Student a FAPE in the least restrictive environment at the individualized education program team meetings on March 13, 2018, April 6, 2018, and May 8, 2018. Chafee asserts that the decision in the Prior Case contained factual findings and legal conclusions that Chaffee offered Student a FAPE in the least restrictive environment at those IEP team meetings, those findings and conclusions are relevant to Student's allegations in the present matter, those findings and conclusions were fully litigated in the Prior Case, and the decision in the Prior Case is final.

On October 23, 2020, Student filed its opposition to the Motion. Student contends that the Motion was not clear as to the matters of which Chaffee sought judicial notice. Student further contends that collateral estoppel is not applicable. Student contends the issues in the Prior Case were not fully and fairly litigated, because Student did not file the Prior Case, was unrepresented in the Prior Case, and did not participate in that litigation. Notably, Student does not contest Chaffee's assertion that the findings which are the subject of the Motion are relevant to the present case.

While the Motion was pending, Student filed a request for leave to amend the complaint in this matter, to add events that occurred after Student filed the complaint, including allegations that Chaffee denied Student a FAPE during the 2020-2021 school

year. Student was granted leave to amend. The filing of the amended complaint does not impact the relevance of this Motion to this matter.

JUDICIAL NOTICE

In administrative proceedings, the doctrine of judicial notice is encompassed with the doctrine of official notice. The Government Code provides that administrative tribunals may take official notice of any generally accepted technical or scientific matter within the agency's special field, and of any fact which may be judicially noticed by the California courts. (Gov. Code, § 11515.) Evidence Code section 452 governs the material which may be judicially noticed by the California courts, which includes official acts of the judicial departments of the United States and of any state of the United States, and facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. (Evid. Code § 452, subd. (c), (h).) The federal district court orders dated June 24, 2019 and May 21, 2020, fall under Evidence Code section 452, subdivisions (c) and (h). The factual findings and legal conclusions of the August 23, 2018, decision in OAH Case No. 2018050543 are a public record, are not reasonably subject to dispute, and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy, and thereby fall within Evidence Code section 452, subdivision (h). These matters are therefore subject to official notice pursuant to Government Code § 11515. Consequently, official notice of these matters is taken.

COLLATERAL ESTOPPEL

Under the doctrine of collateral estoppel, once a court has decided an issue of fact or law necessary to its judgment, that decision precludes litigation of the same issue in a suit on a different cause of action involving a party to the first case. The doctrine of

collateral estoppel applies to administrative proceedings. (*Pacific Lumber Co. v. State Resources Control Board* (2006) 37 Cal.4th 921, 944.) Collateral estoppel applies to special education due process hearings in California. (*Student v. Los Angeles Unified School Dist.* (2007) OAH Case No. 2007010315; *Student v. San Diego Unified School Dist.* (2005) Spec.Ed.Hrng Office Case No. SN 2005-1018.) The doctrine 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 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; see *University of Tennessee v. Elliott* (1986) 478 U.S. 788, 798.)

Collateral estoppel precludes relitigation of an issue when five conditions are met:

1. the issue to be precluded is identical to that decided in the prior proceeding;
2. the issue was actually litigated at that time;
3. the issue was necessarily decided;
4. the decision in the prior proceeding must be final and on the merits; and
5. the party against whom preclusion is sought must be the same as, or in privity with, the party to the former proceeding.

People v. Garcia (2006) 39 Cal.4th 1070, 1077; *Pacific Lumber, supra,* 37 Cal.4th at 943 (citing *Lucido v. Superior Court* (1990) 51 Cal. 3d 335, 341).

Collateral estoppel is not avoided simply because a party chose not to make an argument or introduce evidence in the first proceeding. The doctrine bars relitigation by means of evidence that was, or could have been, presented in the first action.

(*People v. Sims, supra*, 32 Cal.3d at 481; *Teitelbaum Furs, Inc. v. Dominion Ins. Co.* (1962) 58 Cal.2d 601, 607; *Interinsurance Exchange of the Auto. Club v. Superior* Court (1989) 209 Cal. App.3d 177, 181.) In *Nevada v. United States* (1983) 463 U.S. 110, the United States Supreme Court stated that "the doctrine of res judicata [claim preclusion or issue preclusion] provides that when a final judgment has been entered on the merits of a case, '[it] is a finality as to the claim or demand in controversy, concluding parties and those in privity with them, not only as to every matter which was offered and received to sustain or defeat the claim or demand, but as to any other admissible matter which might have been offered for that purpose.'" (*Id.* at pp. 129-130 [citation omitted].) For claims under the IDEA, "a parent may file a 'separate due process complaint on an issue separate from a due process complaint already filed.' 20 U.S.C. § 1415(o). However, any claims in the separate due process complaint on matters at issue in a due process complaint already filed are barred by principles of claim preclusion." (*A.B. v. Clarke County School Dist.* (M.D.Ga., June 8, 2009, No. 3:08–CV–86 (CDL)) 2009 WL 1606544, *8; see *J.G. v. Los Angeles Unified School Dist.* (C.D. Cal. Sept. 16, 2020, Case No. CV 19-1268-JGB(Ex)) 2020 WL 6565322, **8-9 [doctrine of collateral estoppel applied such that OAH decision finding that Student's placement was not the least restrictive environment under the IDEA barred Student's Americans with Disabilities Act and Section 504 claims regarding whether Student was integrated to the maximum extent from February 19, 2019, through May 30, 2019.].)

The subject factual findings and legal conclusions in the Prior Case meets all five conditions for the application of collateral estoppel. The issues regarding whether the IEPs of March 13, April 6, and May 8, 2018, offered Student a FAPE in the least restrictive environment are relevant and material to Student's complaint and first amended complaint in this matter, and were also raised in the Prior Case. Those issues were actually litigated and necessarily decided in the Prior Case, and resulted in a final

decision on the merits. The district court upheld this decision. Finally, the parties in the Prior Case and this case are identical.

Student cites no authority that the doctrine of collateral estoppel does not apply merely because Student was the respondent in the Prior Case and is the petitioner in this matter. Further, collateral estoppel applies even though Student was self-represented and did not appear to contest the Prior Case. The case record reflects that Student had ample notice of the proceedings in the Prior Case. Indeed, the ALJ's decision in the Prior Case states on the first day of hearing the ALJ called Parents several times to ascertain why they were not in attendance at the hearing, and she left voicemail messages to which Parents did not respond. Mother picked up the phone in response to one of the ALJ's phone calls, but hung up on the ALJ.

Under these circumstances, Chaffee's Motion is granted. Official notice of the factual findings and legal conclusions in the ALJ's decision in the Prior Case, dated

August 23, 2018, and the federal district court orders of June 24, 2019, and May 21, 2020 is taken. Student is collaterally estopped from relitigating whether the IEPs dated March 13, April 6, and May 8, 2018, offered Student a FAPE in the least restrictive environment.

IT IS SO ORDERED.

Elsa Jones

Elsa Jones
Administrative Law Judge
Office of Administrative Hearings