BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. TEHACHAPI UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015120968 ORDER DENYING DISTRICT'S MOTION TO LIMIT ISSUE TIMELINES

On December 18, 2015, Student filed a Request for Due Process Hearing (complaint) with the Office of Administrative Hearings, naming Tehachapi Unified School District. On May 16, 2016, District filed a Motion to Limit Issue Timelines alleging that Student should be precluded from re-litigating the behavioral issues in this complaint for the period from September 17, 2014 through December 26, 2014, because such timeframe had previously been litigated and considered by the Administrative Law Judge when granting a remedy in OAH's decision entitled *Student v. Tehachapi Unified School District (*January 19, 2016) *Cal.Offc.Admin.Hrngs.* Case No. 2015060035 (Prior Case). District also alleged that because Student could have specifically litigated behavioral issues within the context of related services for home hospital instruction in the Prior Case, but did not do so, he should not be allowed to do so in this complaint.

On May 18, 2016, Student filed an opposition asserting that he did not litigate District's failure to address his behavioral needs in the Prior Case.

On May 18, 2016, District filed a reply to Student's opposition which was also considered.

APPLICABLE LAW

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].)

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 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].)

Federal and state courts have traditionally adhered to the related doctrines of res judicata and collateral estoppel. (*Allen v. McCurry, supra*, 449 U.S. at p. 90, 94; *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 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, supra*, 449 U.S. at p. 94.) 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. supra,* 51 Cal.3d at 341; see also *Migra v. Warren City School Dist. Bd. of Ed., supra,* 465 U.S. 75, 77, n. 1 [federal courts use the term "issue preclusion" to describe the doctrine of collateral estoppel].) 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 v. McCurry, 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 and res judicata are judicial doctrines, they 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.)

However, the Individuals with Disabilities Education Act contains a section that modifies the general analysis with regard to res judicata and 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 relitigating issues already heard 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

Regardless of whether the September 17, 2014 through December 26, 2014 period is within the time frame litigated in the Prior Case, Student's behavioral needs were not litigated issues in the Prior Case. Therefore, Student is not precluded from litigating behavioral issues for the September 17, 2014 through December 26, 2014 period in the complaint now before OAH.

Accordingly, District's Motion to Limit Issue Timelines based on collateral estoppel and res judicata is denied.

ORDER

District's Motion to Limit Issue Timelines is denied.

DATE: May 20, 2016

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Sabrina Kong
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SABRINA KONG
Administrative Law Judge
Office of Administrative Hearings