

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

LAWNDALE ELEMENTARY SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2015010519

ORDER GRANTING REQUEST FOR
OFFICIAL NOTICE AND REQUIRING
FURTHER MOTION TO BE FILED BY
APRIL 8, 2015

On March 25, 2015, District filed a Request for Judicial Notice, which OAH deems to be a Request for Official Notice, of the October 31, 2013 decision in OAH Case No. 2013070160.

During the telephonic prehearing conference of April 3, 2015, Student's advocate indicated he did not oppose the Request for Official Notice.

District based its Request for Official Notice on Government Code section 11515 and Evidence Code sections 451, subdivision (f), and 452, subdivisions (g) and (h). Due process hearings authorized by the California Department of Education are not conducted pursuant to 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. Also, OAH decisions are not "facts and propositions of generalized knowledge that are so universally known that they cannot reasonably be the subject of dispute," "facts and propositions that are of such common knowledge within the territorial jurisdiction of the court that they cannot reasonably be the subject of dispute," or "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, §§ 451(f), 452(g) and (h).)

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 2013 assessments of Student and to collaterally estop Student from defending one procedural aspect of District's current case regarding the 2014 Individualized Educational Program District offered Student. For the limited purpose of evaluating a request for collateral estoppel, OAH will take official notice of the October 31, 2013 decision in OAH Case No. 2013070160 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 October 31, 2013 decision in OAH Case No. 2013070160 no later than 4:59 p.m. on April 8, 2015. District and Student shall be prepared to argue any motion on the first day of hearing.

IT IS SO ORDERED.

DATE: April 6, 2015

/s/

KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings