BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

WASHINGTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024110089

# ORDER DENYING REQUEST TO TAKE OFFICIAL NOTICE

APRIL 7, 2025

On November 4, 2024, Student filed a request for due process hearing with the Office of Administrative Hearings, referred to as OAH, naming Washington Unified School District. On December 5, 2024, OAH granted the parties' joint request to schedule mediation and continue the hearing dates. Administrative Law Judge Robert G. Martin heard the matter by videoconference on January 23, 29, 30, and 31, 2025, and February 4 and 5, 2025. The parties filed their written closing briefs on February 26, 2025.

Also on February 26, 2025, Student filed a request that OAH take administrative notice that the California Commission on Teacher Credentialing website did not list an administrative credential for Assistant Principal Kristie Dornan. Student alleges Dornan required an administrative credential to act in the capacity of Assistant Principal

addressing discipline issues for Student. Student contends Student first learned of the credentialing issue on February 25, 2025, through an anonymous tip to Student's attorney. On March 3, 2025, Washington filed an opposition to Student's request for administrative notice.

Judicial notice is generally called official notice when taken by an administrative tribunal. (See Gov. Code, § 11515.) No specific statute or regulation governs the taking of official notice in special education due process proceedings. For guidance in such situations, OAH often looks to the California Evidence Code. Section 452 of that Code allows, in part, the taking of judicial notice of regulations and legislative enactments issued by any public entity, official acts of the legislative, executive, and judicial departments of any state, and the records of any court. (Evid. Code, § 452, subds. (b), (c), & (d).) Section 452, subdivision (h) further allows judicial notice of, "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. (h).) The party seeking judicial notice has the burden of furnishing sufficient information to enable the court to take judicial notice of the requested matters. (Evid. Code, § 453, subd. (b).)

Evidence Code Section 350 states, "No evidence is admissible except relevant evidence." Relevant evidence is defined as evidence "having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." (Evid. Code, § 210.) Further, "any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions." (Govt. Code §11513, subd. (c).) Although a court may judicially notice a variety of

matters, only relevant material may be noticed. (*Aquila, Inc. v. Superior Court* (2007) 148 Cal.App.4th 556, 569.)

Student requested official notice that Dornan did not hold an administrative credential, on grounds that the lack of such a credential meant Dornan was not qualified to act as an assistant principal when she met with Student and Parent on multiple occasions to discuss Student's behaviors. Student contended that because the behaviors discussed were central to the issue of child find, and because Dornan testified at hearing regarding her impression of Student's unique needs in her role as an assistant principal, OAH should take judicial notice of her lack of qualification to serve as assistant principal "to prevent any further prejudice to Student's case." Student did not identify any actual or potential prejudice arising from Dornan's testimony.

Student's request for official notice is denied. It is unclear what Student wants to prove by admitting the list of credentials, other than that Dornan lacked qualifications to act as an assistant principal, and the list of credentials is insufficient to prove even that. The list of credentials does not state the credential required to act as an assistant principal. The list further does not explain whether or how the purported lack of an appropriate credential would affect Dornan's ability to testify regarding school discipline involving Student. Student did not move to reopen the hearing so that Dornan's list of credentials could be considered through witnesses testifying under oath. Washington did not have an opportunity to explain or dispute authentication, foundation, or the meaning of the list of credentials, all of which are reasonably subject to dispute. The list of credentials contains information not capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.

Student has not established that Dornan's list of credentials presented in the California Commission on Teacher Credentialing website chart has a tendency in reason

to prove or disprove any disputed fact that is of consequence to the determination of the action.

## ORDER

Student's motion for official notice is denied.



Robert G. Martin
Administrative Law Judge
Office of Administrative Hearings