BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. HERMOSA BEACH CITY SCHOOL DISTRICT.	OAH Case No. 2017060038 ORDER DENYING STUDENT'S REQUEST FOR JUDICIAL NOTICE

Student filed a Request for Judicial Notice with OAH on February 14, 2018. Student's request sought judicial notice of an unauthenticated document purported to be a California Department of Education Investigation Report in Case S-0249-17/18. Neither Student, District, nor Switzer Learning Center, the non-public school involved in this matter, were parties to the investigation or the report.

Government Code section 11515 permits ALJs conducting hearings pursuant to Government Code section 11502 to take official notice of matters that can be, or must be, judicially noticed pursuant to Evidence Code sections 451 and 452. However, Government Code section 11515 does not apply to due process hearings. Furthermore, as with evidence generally, the matter to be judicially noticed must be relevant to the issues in the case. (*Mozetti v. City of Brisbane* (1977) 67 Cal.App.3d 565, 578.) Since the parties in the proffered report were different than the parties in this case, such report is irrelevant to this case. Therefore, Student's Request for Judicial Notice is denied.

DATE: March 22, 2018

DocuSigned by:
Christine Arden
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CHRISTINE ARDEN
Administrative Law Judge
Office of Administrative Hearings