BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

GUSTINE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025120594

ORDER GRANTING IN PART AND DENYING IN PART REQUEST FOR OFFICIAL NOTICE

APRIL 3, 2026

On December 12, 2025, the Office of Administrative Hearings, called OAH, received a due process hearing request from Student, naming Gustine Unified School District. The hearing took place on February 18, 19, 24, 25, and 26, March 3, 4, 5, 19, 24, 25, and 26, 2026.

On March 25, 2026, Gustine filed a request for judicial notice. Specifically, Gustine requested OAH take judicial notice of the following:

1. Building and Sustaining Inclusive Educational Practices, Aligned with the Elementary and Secondary Education Act of 1965 (ESEA) and Part B of the Individuals with Disabilities Education Act (IDEA), published by the Office

of Special Education and Rehabilitative Services, Office of Elementary and Secondary Education, U.S. Department of Education, January 2025.

2. Dear Colleague Letter, Office of Special Education Programs, Office of Special Education and Rehabilitative Services, U.S. Department of Education, 66 IDELR 227, 115 LRP 53903 (November 2015).
3. California Department of Education webpage, School Administrator and the Common Core: Supporting Students with Disabilities, last reviewed November 2024, located at: <https://www.cde.ca.gov/sp/se/cc/swd-commoncore-admin.asp>.
4. California Department of Education webpage, Common Core Resources for Special Education, last reviewed November 2024, located at: <https://www.cde.ca.gov/sp/se/cc/>.

Student did not file a response.

In administrative proceedings, the doctrine of judicial notice is encompassed within the doctrine of official notice. The Administrative Procedure Act, California Government Code section 11515, 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. California Evidence Code section 452 governs the material which may be judicially noticed by the California courts. Among the items for which a court has the discretionary option to take judicial notice are official acts of the legislative, executive, and 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 matter to be judicially noticed must be relevant to the issues in the case. (*Mangini v. R.J. Reynolds Tobacco Co.* (1994) 7 Cal.4th 1057, 1063 (*Mangini*) (overruled on other grounds in *In re Tobacco Cases II* (2007) 41 Cal.4th 1257, 1276; *Mozetti v. City of Brisbane* (1977) 67 Cal.App.3d 565, 578; *Ochoa v. Anaheim City School Dist.* (2017) 11 Cal.App.5th 209, 221-222 (*Ochoa*) [granting judicial notice of the State Department of Education's 2015 school report, but denying one of four requests for judicial notice where there was a failure to demonstrate how that information would be helpful to the resolution of the issues in the case].)

Moreover, while official notice may be taken of the existence of a governmental act, the truth of anything stated in that act is not subject to judicial or official notice. (*People v. Castillo* (2010) 49 Cal.4th 145, 157; see *Mangini*, *supra*, 41 Cal.4th at p. 1063 [declining to take judicial notice of contents of a report by the U.S. Surgeon General on tobacco use because judicial notice limited to existence of the report]; *Ragland v. U.S. Bank National Association* (2012) 209 Cal.App.4th 182, 193-194 [the court could take judicial notice of the existence of an audit report of a savings bank prepared by the U.S. Treasury Department but could not take judicial notice of the truth of the contents because they were subject to interpretation]; see also *Duronslet v. Kamps* (2012) 203 Cal.App.4th 717, 737 [judicial notice of information on California Board of Registered Nursing website declined where failure to provide court with information sufficient to show the information was "not reasonably subject to dispute" and "capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy"].)

Gustine's request for official notice of the U.S. Department of Education publication on inclusive practices pursuant to Evidence Code section 452, subdivision (c), is granted limited to the existence of the publication, as an official act and guidance of

the U.S. Department of Education. The official notice taken pursuant to Evidence Code section 452, subdivision (c), does not extend to the truth of the facts relayed through the official act and guidance, particularly the interpretation of data. Gustine's expert witness on inclusive practices testified at hearing regarding parts of the publication and her expert opinions. To the extent the content of this guidance is relevant to the issues at hearing, the ALJ will rely on the expert's testimony.

Gustine's request for official notice of the Dear Colleague Letter issued by the Office of Special Education Programs pursuant to Evidence Code section 452, subdivision (c), is granted as an official act and guidance of the U.S. Department of Education.

Gustine's request for official notice of the two California Department of Education webpages is denied. The webpages do not list common core standards, but provide resources and further links to additional information. Further, common core standards have limited relevance to the issues for determination at hearing. There is no need to take official notice of these webpages.

IT IS SO ORDERED.

Jeanie Min

Jeanie Min
Administrative Law Judge
Office of Administrative Hearings