BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

WEAVER UNION SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025020843

ORDER GRANTING REQUEST FOR OFFICIAL NOTICE OF THE OFFICE OF ADMINISTRATIVE HEARINGS' JANUARY 15, 2025, DECISION

MARCH 10, 2025

On February 24, 2025, Weaver Union School District, called Weaver, filed a request for an expedited due process hearing, with the Office of Administrative Hearings, called OAH, naming Student. On March 5, 2025, Weaver requested OAH take official notice of the January 15, 2025 OAH Decision, a copy of which was included in the request for official notice.

The January 15, 2025 OAH Decision resulted from a due process hearing where Weaver sought OAH determination that:

1. Student's placement at Pioneer Elementary School was substantially likely to result in injury to self or others such that Weaver may remove Student to an interim alternative educational setting for up to 45 school days; and
2. Weaver's proposed placement at Merced County Office of Education's Sierra Program was an appropriate interim alternative educational setting for Student.

In this case, Weaver seeks to extend Student's placement at the Sierra Program for up to an additional 45 school days on the basis that returning Student to Pioneer Elementary School would substantially likely result in injury to Student or to others and the Sierra Program is an appropriate interim alternative educational setting for Student. Weaver requests official notice be taken of the January 15, 2025, OAH Decision between the same parties.

Student did not file a response.

In reaching a decision official notice may be taken, either before or after submission of the case for decision, 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 courts of this State. Parties present at the hearing shall be informed of the matters to be noticed, and those matters shall be noted in the record, referred to therein, or appended thereto. Any such party shall be given a reasonable opportunity on request to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the agency. (Cal. Gov't Code § 11515.)

Things a court must take judicial, or in the case of administrative agency proceedings, official, notice are:

- the decisional, constitutional and public statutory law of California and of the United States;
- the provisions of any city charter, administrative regulations of California and federal agencies;
- the Rules of Professional Conduct for members of the bar;
- the California Rules of Court;
- the rules of pleading, practice and procedure prescribed by the United States Supreme Court for federal courts, such as the Federal Rules of Civil Procedure, Bankruptcy Rules, etc.;
- the true significance of all English words and phrases and all legal expressions; and
- "universally known" indisputable facts.

(Evid. Code, § 451, subds. (a)-(f).)

A court shall, if proper request is made, take judicial notice of:

- the decisional, constitutional, and statutory law of any other state;
- regulations and legislative enactments issued by any public entity in the United States;
- official acts of legislative, executive and judicial departments of the federal or any state government, the records of any federal or state court, court rules of any federal or state court;
- the law of an organization of nations and of foreign nations and public entities of foreign nations;
- 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; 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. (a)-(h).)

An example of a "universally known," indisputable fact is the accuracy of radar as a scientific method for measuring the speed of a moving vehicle. (See *People v. MacLaird* (1968) 264 Cal.App.2d 972, 974-975.) The category 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" cover facts that may not be "common knowledge" but still so easily verified that their accuracy is assured, such as the location of traffic signals on a particular highway, the rainfall during the preceding year, the number of registered voters in a district, etc. For example, the distance between two locations is not reasonably subject to dispute and capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. (*Monroy v. City of Los Angeles* (2008) 164 Cal.App.4th 248, 264 [court took judicial notice that a witness lived in Puebla, Mexico, more than 150 miles from the courthouse in Los Angeles].)

The January 15, 2025, Decision is a fact or proposition that is not reasonably subject to dispute. It is capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy such as OAH's record of the January 15, 2025, OAH Decision. Therefore, the January 15, 2025, OAH Decision can be

subject to official notice. (See Cal. Gov't Code § 11515; Evidence Code § 451 and 452.) Therefore, Weaver's request for office notice of the January 15, 2025, OAH Decision is granted.

IT IS SO ORDERED.

Sabrina Kong

Sabrina Kong
Administrative Law Judge
Office of Administrative Hearings