BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

PLEASANTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2020060638

ORDER GRANTING REQUEST FOR OFFICIAL NOTICE

DECEMBER 2, 2020

On November 23, 2020, Student filed a request for judicial notice that the undersigned administrative law judge deemed to be a request for official notice. Student requested official notice of four documents regarding the novel coronavirus, called COVID-19. These documents include:

1. California Department of Education's Special Education Guidance for COVID-19, posted September 30, 2020;
2. Report to Congress of U.S. Secretary of Education Betsy Devos, dated April 27, 2020;
3. United States Department of Education Office of Special Education Programs Questions and Answers, dated September 28, 2020; and

4. United States Department of Education Office of Civil Rights Questions and Answers for K-12 Public Schools in the Current COVID-19 Environment.

Pleasanton Unified School District did not file a response to Student's motion.

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 Evidence Code. Section 452, subdivision (h) of that Code allows the taking of judicial notice of "[f]acts 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." As specified in Government Code section 11515, judicial notice is generally called official notice when taken by an administrative tribunal.

Here, Student is requesting that official notice be taken of documents that are public record. Accordingly, Student's request for official notice of the stated documents is granted.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings