BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. EAST SIDE UNION HIGH SCHOOL DISTRICT AND SANTA CLARA OFFICE OF EDUCATION.	OAH Case No. 2016061098 ORDER TAKING OFFICIAL NOTICE OF GEOGRAPHICAL DISTANCES

On November 23, 2016, Student filed a "Request for Judicial Notice" that Andrew Hill High School is 0.5 miles away from Student's home by foot and 1.5 miles by automobile. In support of the request, Student attached a printout from the mapping function of the website Mapquest.com. No response has been received from East Side Union High School or the Santa Clara County Office of Education.

APPLICABLE LAW

No specific statute or regulation governs the taking of official notice[1] in special education due process proceedings. For guidance in such situations the Office of Administrative Hearings 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."

Under that provision, California courts take judicial notice of the distances between geographical places. (See, e.g., *In re Nicole H.* (2016) 244 Cal.App.4th 1150, 1153 [distance between Stockton and appellant's father's home]; *People v. Traugott* (2010) 184 Cal.App.4th 492, 497, fn. 4 [distance from Banning courthouse to Fontana].)

DISCUSSION

At hearing the parties disputed whether East Side took adequate steps to obtain Mother's signature on an assessment plan and her attendance at individualized education program team meetings. The physical distance between Student's school and his (and Mother's) home is relevant to that determination. Neither East Side nor the County Office of Education has responded to Student's request, having had a reasonable time to do so.

[1] Judicial notice is generally called official notice when taken by an administrative tribunal. (See, e.g., Gov. Code, § 11515.)

Official notice is therefore taken of the fact that Andrew Hill High School is 0.5 miles away from Student's home by foot and 1.5 miles by automobile.

IT IS SO ORDERED.

DATE: December 6, 2016

DocuSigned by:
Charles Marson
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CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings