

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ACALANES UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2012080073

ORDER GRANTING DISTRICT'S
PEREMPTORY CHALLENGE

On October 24, 2012, Administrative Law Judge (ALJ) Adeniyi Ayoade conducted a prehearing conference (PHC) in this matter. On November 7, 2012, the Office of Administrative Hearings (OAH) reassigned this matter to ALJ Theresa Ravandi. On November 8, 2012, during a status conference, the Acalanes Union High School District (District) made a peremptory challenge to prevent ALJ Ravandi from hearing this matter.

Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of the presiding officer. A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an OAH hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) In no event will a peremptory challenge be allowed if it is made after the hearing has commenced. In addition, if at the time of a scheduled prehearing conference, an ALJ has been assigned to the Hearing, any challenge to the assigned ALJ shall be made no later than commencement of that prehearing conference. (Cal. Code Regs., tit. 1, § 1034, subd. (c).) A peremptory challenge is not allowed on reconsideration or remand, and cannot be made after a hearing has begun. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

District's peremptory challenge is timely made and is granted pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c). This matter is reassigned to ALJ Peter Paul Castillo

IT IS SO ORDERED.

Dated: November 9, 2012

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings