

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 STUDENT'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 9, 2012, the matter was reassigned to ALJ Peter Paul Castillo, following a peremptory challenge by the Acalanes Union High School District. On November 9, 2012, Student filed a challenge as to ALJ Castillo pursuant to Government Code section 11425.40, subdivision (d), of the Administrative Procedures Act, and California Code of Regulations, title 1, section 1034.

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, subs. (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).)

Student'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). The matter is reassigned to ALJ Ayoade.

IT IS SO ORDERED.

Dated: November 9, 2012

/s/

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