

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA BARBARA HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2012080468

ORDER GRANTING STUDENT'S
PEREMPTORY CHALLENGE

On October 11, 2010, Student filed a peremptory challenge to ALJ Clifford Woosley.

A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an Office of Administrative Hearings (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). Specifically, as of the date of the prehearing conference, another OAH ALJ had been assigned to the prehearing conference and hearing in this matter. After the prehearing conference had occurred on October 8, 2012, OAH reassigned the hearing to ALJ Woosley on October 10, 2012, such that Student's peremptory challenge is timely. The matter will now be assigned for hearing to ALJ Adeniyi Ayoade.

IT IS SO ORDERED.

Dated: October 11, 2012

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings