

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2015100100

v.

LOWELL JOINT SCHOOL DISTRICT,

LOWELL JOINT SCHOOL DISTRICT,

OAH Case No. 2015100387

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING PEREMPTORY
CHALLENGE

On April 1, 2016, Lowell Joint School District filed a notice of peremptory challenge to Administrative Law Judge Christine Arden in the above captioned matter. District's peremptory challenge is made pursuant to Government Code section 11425.40, subdivision (d), of the Administrative Procedures Act, and California Code of Regulations, title 1, section 1034.

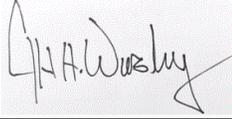
Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of the presiding officer. A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an Office of Administrative Hearings hearing. (Cal. Code Regs., tit. 1, § 1034, 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).

IT IS SO ORDERED.

DATE: April 01, 2016

DocuSigned by:

A handwritten signature in black ink, appearing to read "C.H. Woosley", is displayed within a grey rectangular box. A blue line from the "DocuSigned by:" label curves around the top and left sides of this box.

CLIFFORD H. WOOSLEY

Administrative Law Judge

Office of Administrative Hearings