

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MANTECA UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015120472

ORDER GRANTING PEREMPTORY
CHALLENGES

On March 4, 2016, Student and Manteca Unified School District filed motions seeking to challenge the assignment of Administrative Law Judge Rebecca Freie in the above captioned matter. Both peremptory challenges are 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).) Both peremptory challenges are timely made and are granted pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c). The matter will be reassigned by the Office of Administrative Hearings.

IT IS SO ORDERED.

DATE: March 7, 2016

DocuSigned by:
Margaret Broussard
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MARGARET BROUSSARD
Presiding Administrative Law Judge
Office of Administrative Hearings