

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

CULVER CITY UNIFIED SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2009120348

ORDER DENYING PEREMPTORY  
CHALLENGE

On April 30, 2010, Parent filed a peremptory challenge seeking to disqualify Administrative Law Judge (ALJ) Elsa Jones from hearing this case.

Student's peremptory challenge is made pursuant to Government Code section 11425.40, subdivision (d), of the Administrative Procedures Act (APA), 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 (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).)

At the time of the prehearing conference, ALJ Jones was also the assigned hearing judge. Student's peremptory challenge to ALJ Jones is not timely as it was not made at the beginning of the prehearing conference but was made after the prehearing conference began and approximately one and one-half hours into the proceeding.

Dated: May 03, 2010

/s/

---

ANN MACMURRAY  
Presiding Administrative Law Judge  
Office of Administrative Hearings