

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  PARENT ON BEHALF OF STUDENT,  v.  SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2010100191
SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT,  v.  PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2011031543  ORDER GRANTING DISTRICT'S PEREMPTORY CHALLENGE AND CONTINUING PREHEARING CONFERENCE

On June 1, 2011, Cynthia D. Vargas, attorney for the Santa Monica-Malibu Unified School District (District), filed a peremptory challenge seeking to disqualify Administrative Law Judge (ALJ) June R. Lehrman from hearing this case. District's peremptory challenge is made pursuant to Government Code section 11425.40, subdivision (d), and California Code of Regulations, title 1, section 1034, subdivision (c).

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).) 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, subdivision (d), and California Code of Regulations, title 1,

section 1034, subdivision (c). The matter has been reassigned to ALJ Deborah Myers-Cregar.

ORDER

1. District's peremptory challenge is granted and the matter is reassigned to ALJ Deborah Myers-Cregar.
2. The prehearing conference is continued to June 2, 2011, at 3:00 p.m.<sup>1</sup>

Dated: June 1, 2011

/s/

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BOB VARMA  
Presiding Administrative Law Judge (acting)  
Office of Administrative Hearings

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<sup>1</sup> OAH does not hold prehearing conferences on Thursdays. However, in this matter the prehearing conference has been continued to June 2, 2011, based upon discussions with the parties and based upon good cause.