

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN FRANCISCO UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2010100312

ORDER GRANTING DISTRICT'S  
PEREMPTORY CHALLENGE AND  
CONTINUING PREHEARING  
CONFERENCE ON EXPEDITED  
PORTION OF MATTER

On October 27, 2010, Damara Moore, attorney for the San Francisco Unified School District (District), filed a peremptory challenge seeking to disqualify Administrative Law Judge (ALJ) Rebecca Freie 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 Troy Taira.

**The prehearing conference in the expedited portion of this matter is continued from October 27, 2010, to 3:00 p.m. on October 28, 2010.** All other dates in this matter remain as calendared.

IT IS SO ORDERED.

Dated: October 27, 2010

/s/

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BOB VARMA  
Administrative Law Judge  
Office of Administrative Hearings