

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

ETIWANDA SCHOOL DISTRICT, ET AL.

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2011031344

ORDER GRANTING PEREMPTORY  
CHALLENGE

On August 22, 2011, counsel for the Etiwanda School District and the West End SELPA filed with the Office of Administrative Hearings (OAH) a peremptory challenge against Administrative Law Judge Robert Helfand acting as the hearing judge in this case. Student has not filed a response to the challenge.

Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of an ALJ assigned to hear a case. A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an OAH 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).)

The peremptory challenge made by the public agencies is timely, and is granted pursuant to the foregoing authority.

ORDER

1. The peremptory challenge by Etiwanda School District and the West End SELPA of ALJ Robert Helfand is granted.

2. All dates previously set in this matter will remain on calendar. ALJ June Lehrman is now the hearing judge assigned in the case.

Dated: August 22, 2011

/s/

TIMOTHY L. NEWLOVE  
Presiding Administrative Law Judge  
Office of Administrative Hearings

