BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. YUBA CITY UNIFIED SCHOOL DISTRICT AND SUTTER COUNTY SUPERINTENDENT OF SCHOOLS,	OAH CASE NO. 2013120207
YUBA CITY UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2013110182 ORDER GRANTING PEREMPTORY CHALLENGE

On January 30, 2014, the Yuba City Unified School District (District), through counsel, filed with the Office of Administrative Hearings (OAH) a peremptory challenge seeking to disqualify Administrative Law Judge (ALJ) Margaret Broussard from hearing this case. The 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 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).) 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).)

The District's peremptory challenge is timely made and is granted pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c).

IT IS SO ORDERED.

ORDER

1. The peremptory challenge by Yuba City Unified School District of ALJ Margaret Broussard is granted.

2. All dates previously set in this matter will remain on calendar.

3. ALJ Paul Kamoroff is now the assigned hearing judge in these consolidated cases.

Dated: January 30, 2014

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