BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. WINTERS JOINT UNIFIED SCHOOL DISTRICT AND DAVIS JOINT UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015080259 ORDER GRANTING DISTRICT'S PEREMPTORY CHALLENGE

On October 19, 2015, the Winters Joint Unified School District, filed a notice of peremptory challenge to Administrative Law Judge Rebecca Freie in the above captioned matter. Winters' 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 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).)

Winters' peremptory challenge, due to OAH's reassignment, 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). The matter is reassigned to ALJ Alexa Hohensee.

DATE: October 19, 2015

/S/

BOB N. VARMA
Division Presiding Administrative Law Judge
Office of Administrative Hearings