BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: SACRAMENTO CITY UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015090053 ORDER DENYING CHALLENGE FOR CAUSE

On September 14, 2015, administrative law judge Theresa Ravandi convened a prehearing conference in this matter. At the start of the PHC, the undersigned disclosed that she had worked at a nonprofit law firm with Christian Knox, a partner in the firm representing Student from January 2002 until April 2004; that at that time she did not supervise Ms. Knox nor was she assigned to matters in the same courtroom as Ms. Knox; and that she did not and does not have a personal relationship with Ms. Knox. ALJ Ravandi further disclosed that this prior working relationship did not bias her for or against either party nor would it prevent her from fairly and neutrally adjudicating this matter.

Sacramento City Unified School District verbally requested that ALJ Ravandi recuse herself based on her past working relationship with Ms. Knox. Student opposed the motion.

APPLICABLE LAW

An ALJ may be disqualified for bias, prejudice, or interest in the proceeding. (Gov. Code, § 11425.40, subd. (a).) The following, without further evidence of bias, prejudice, or interest, are not by themselves grounds for disqualification: 1) the ALJ is or is not a member of a racial, ethnic, religious, sexual, or similar group and the proceeding involves the rights of that group; 2) the ALJ has experience, technical competence, or specialized knowledge of, or has in any capacity expressed a view on, a legal, factual, or policy issue presented in the proceeding; or 3) the ALJ has as a lawyer or public official participated in the drafting of laws or regulations or in the effort to pass or defeat laws or regulations, the meaning, effect, or application of which is in issue in the proceeding. (Gov. Code, § 11425.40, subd. (b).)

In other words, to disqualify an ALJ for cause, a factual showing of actual bias or prejudice is required. (See *American Isuzu Motors, Inc. v. New Motor Vehicle Board* (1986) 186 Cal.App.3d 464, 472.) For example, in order to be a basis for disqualification, the financial interest of the ALJ in the outcome of the case must be direct, personal, and

substantial, rather than slight. (*Haas v. County of San Bernardino* (2002) 27 Cal.4th 1017, 1031.) Similarly, personal involvement in the case by the ALJ or familial connections may warrant disqualification based solely on the probability of bias. (See *Clark v. City of Hermosa Beach* (1996) 48 Cal.App.4th 1152, 1170-1173.) However, in most other cases, including claims of bias arising from the hearing officer's personal or political views, disqualification will not occur absent a showing of actual bias. (*Haas*, *supra*, at p. 1032.)

DISCUSSION

Sacramento failed to allege or establish any facts showing actual bias or prejudice. The undersigned made a finding that she was free from bias or prejudice in this due process proceeding and could be free and impartial in the conduct of, and rendering a decision in, this proceeding. Therefore, Sacramento's challenge for cause was denied.[1]

DATE: September 14, 2015

/s/
THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings

[1] Sacramento also raised a peremptory challenge which was granted and addressed in a separate order.