BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

CUPERTINO UNION SCHOOL DISTRICT,

OAH CASE NUMBER 2025110210

OAH CASE NUMBER 2025110972

ORDER DENYING STUDENT'S PEREMPTORY CHALLENGE

FEBRUARY 11, 2026

On January 8, 2026, the Office of Administrative Hearings, called OAH, consolidated Student's case, OAH case number 2025110210, with Cupertino Union School District's case, OAH 2025110972. Student's case contained expedited and non-expedited issues. On February 4, 2026, Administrative Law Judge, called ALJ, Kara Hatfield issued an Expedited Decision after nine hearing days. Also, on February 4, 2026, after OAH issued the Expedited Decision, Student filed a request to dismiss its case. On February 5, 2026, OAH dismissed Student's non-expedited issues without prejudice. Cupertino's case is scheduled to proceed on the dates originally set for the consolidated cases. The prehearing conference is February 13, 2026, and the due process hearing is February 24, through 26, 2026.

On February 9, 2026, Student filed a notice of peremptory challenge as to ALJ Hatfield. The peremptory challenge is made pursuant to Government Code section 11425.40, subdivision (d), of the Administrative Procedures Act, and California Code of Regulations, title 1, section 1034. Student argues the challenge is appropriate because the February 13, 2026 prehearing conference will be ALJ Hatfield's first involvement with Cupertino's case and refers to the matter as "previously consolidated."

Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of the presiding officer. A party is entitled to one peremptory challenge, also called 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).) A peremptory challenge is not allowed if made after the hearing starts. 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 must be made no later than the start of that prehearing conference. (Cal. Code Regs., tit. 1, § 1034, subd. (c).) A peremptory challenge is not allowed on reconsideration or remand. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

The peremptory challenge is denied for several reasons. First, the challenge is untimely. ALJ Hatfield was assigned to Student's case on December 4, 2025. Student did not timely challenge ALJ Hatfield prior to the expedited hearing, which began on December 9, 2025, but instead waited until after OAH issued the Expedited Decision, in which Cupertino prevailed on all issues. Student's challenge at this late date appears to be an attempt to change judges after receiving an unfavorable ruling from ALJ Hatfield's decision. This is an improper use of the peremptory challenge.

Second, granting Student's challenge would not support judicial efficiency or economy. ALJ Hatfield has ruled on multiple motions regarding the consolidated

matter. ALJ Hatfield also reviewed documentary evidence and heard testimony from several witnesses over nine days at the expedited hearing. Some of the evidence considered during the expedited hearing may be relevant to Cupertino's case. Assigning the case to a new judge would require that judge to duplicate the work ALJ Hatfield has already done, which is not a proper use of OAH's resources. Further, assigning the case to a new judge may result in an inconsistent ruling.

Finally, Student incorrectly argues the matter was "previously consolidated" allowing Student to challenge ALJ Hatfield in Cupertino's case. Once cases are consolidated, they are treated as one matter until the final disposition of each case. This means that even though OAH issued the Expedited Decision and granted Student's request to dismiss the non-expedited issues, the matter remains consolidated until the final disposition of Cupertino's case.

ALJ Hatfield remains assigned to the consolidated matter and all scheduled dates remain on calendar as to Cupertino's case.

IT IS SO ORDERED.

Tara Doss

Tara Doss
Presiding Administrative Law Judge
Office of Administrative Hearings