BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

IRVINE UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2019061154

ORDER GRANTING IRVINE UNIFIED SCHOOL DISTRICT'S PEREMPTORY CHALLENGE

On October 1, 2019, Irvine Unified School District, filed a notice of peremptory challenge to Administrative Law Judge Kara Hatfield in the above captioned matter. Irvine's 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.

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. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

Irvine'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).

ORDER

1. Irvine 's challenge of ALJ NAME is granted. Hearing is reassigned to ALJ Rommel Cruz. ALJ Laurie Gorsline will handle the Prehearing Conference.
2. All dates previously set in this matter will remain on calendar.

IT IS SO ORDERED.

DocuSigned by:
Peter Paul Castillo
F0BCD8A6A62C4E9...

DATED: October 02, 2019

Peter Paul Castillo
Presiding Administrative Law Judge
Office of Administrative Hearings