BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

MENIFEE UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2020020214

ORDER DENYING PEREMPTORY CHALLENGE

MAY 13, 2020

On May 12, 2020, Menifee Union School District filed a notice of peremptory challenge to Administrative Law Judge June R. Lehrman in the above captioned matter. Menifee Union School District'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. A peremptory challenge is not allowed on reconsideration or remand. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

Menifee Union School District's peremptory challenge is denied as untimely. The challenge was made after the first day of hearing in the dual set matter commenced.

IT IS SO ORDERED.

DocuSigned by:
Marian H. Tully
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Marian H. Tully
Presiding Administrative Law Judge
Office of Administrative Hearings