BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

V.

CUPERTINO UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2026010399

ORDER DENYING PEREMPTORY CHALLENGE AND CHALLENGE FOR CAUSE

APRIL 13, 2026

On April 10, 2026, Student filed a challenge, seeking to disqualify Administrative Law Judge Clifford H. Woosley from hearing this case. Student's challenge does not clearly specify whether it is intended to be a peremptory challenge or challenge for cause. Therefore, both types of challenge are addressed.

The administrative law judge is called the ALJ. A prehearing conference is called a PHC.

PEREMPTORY CHALLENGE

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).)

Here, ALJ Woosley has been the assigned hearing judge since convening the expedited PHC on January 26, 2026. Thereafter, ALJ Woosley presided over the expedited hearing on February 3, 4, and 11, 2026. The expedited Decision issued on March 4, 2026. On a "dual" case, such as this one, expedited and non-expedited issues are heard by the same ALJ. Though the case is heard in two phases, because of the IDEA timelines associated with expedited issues, the filing is one request for due process.

Student did not file a peremptory challenge until April 10, 2026. Therefore, the peremptory challenge is untimely because ALJ Woosley has been assigned to this case since January 2026, convened prior prehearing conferences, held a hearing, and issued a decision on expedited issues. (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).) Student's peremptory challenge is denied.

CHALLENGE FOR CAUSE

APPLICABLE LAW

An Administrative Law Judge 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:

- The Administrative Law Judge is or is not a member of a racial, ethnic, religious, sexual, or similar group and the proceeding involves the rights of that group;
- The Administrative Law Judge 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
- The Administrative Law Judge 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 Administrative Law Judge 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 Administrative Law Judge 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.) Personal involvement in the

case by the Administrative Law Judge 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

Student's challenge for cause accuses ALJ Woosley of bias and prejudice.

Student asserts that ALJ Woosley ignored Parent's response to Cupertino's opposition to Student's motion to continue, when ruling upon the motion. This is incorrect. On April 3, 2026, Student filed a motion to continue the non-expedited April 13, 2026, PHC and the non-expedited April 21, 22, and 23, 2026. Cupertino was entitled to file a response, up to three working days after the motion's filing. Cupertino timely filed its opposition on April 8, 2026. ALJ Woosley started to prepare a ruling on Student's motion, beginning April 8 and concluding April 9, 2026. ALJ Woosley signed the Order Denying Student's Second Request for Continuance, ruling that Student did not demonstrate good cause for a second continuance. ALJ Woosley executed the Order on April 9, 2026, and requested that it be issued. OAH proof of service indicates the Order was issued early morning, April 10, 2026.

Parent filed Student's response to Cupertino's opposition on April 9, 2026, at 4:10 PM. OAH customarily gives the other party an opportunity to oppose or otherwise respond. Here, ALJ Woosley did so. ALJ Woosley did not see Student's response to Cupertino's opposition to Student's motion before signing and directing issuance of the Order, and did not ignore Student's response. ALJ Woosley did not demonstrate or exhibit bias or prejudice, requiring disqualification.

Parent also accuses ALJ Woosley of bias and prejudice because of the first non-expedited PHC on February 23, 2026. Parent asserts ALJ Woosley exhibited bias and prejudice because he convened and held the PHC in Parent's absence, because Cupertino's counsel and ALJ are the same race, and because the ALJ and counsel talked about going skiing.

On February 19, 2026, Parent filed Student's motion to continue the non-expedited February 23, 2026, PHC and the March 3, 4, and 5, 2026 non-expedited hearing. Student sought a hearing continuance to April 28, 29, and 30, 2026. ALJ Woosley found that Student demonstrated good cause for a continuance, but awaited a response from Cupertino. After 4:00 PM, Friday, February 20, 2026, Cupertino filed notice that it did not oppose the continuance, but Cupertino could not agree to the continuance dates requested by Parent. Parent did not contact Cupertino to discuss and agree upon continuance dates before filing the motion to continue.

ALJ Woosley convened the non-expedited PHC at 1:00 PM, Monday, February 23, 2026, for the sole purpose of granting Student's motion to continue, once the parties and OAH agreed upon appropriate continuance dates. However, Parent did not appear at 1:00 PM and ALJ Woosley waited 10 minutes for Parent. Parent did not appear at 1:00 PM. Cupertino's counsel had appeared. ALJ Woosley convened the PHC, stated the only business was to grant Student's motion to continue. Cupertino's attorney was scheduled for hearing, in an older due process matter, on the dates requested by Parent. Therefore, ALJ Woosley set the continued dates a week before those requested by Student. Had Parent appeared, Student's calendaring concerns, if any, would have been addressed at that time. Also, if Student had difficulty with the continued dates as indicated in the PHC Order, which was served the next day, Student had seven weeks to ask for other dates. Parent did not.

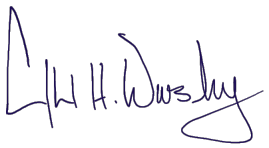
In reviewing the calendar during the PHC, ALJ Woosley noticed that Cupertino had a mid-year recess of February 16 to 20, 2026. After granting Student's motion to continue, ALJ Woosley asked counsel if that school break was commonly referred to as "ski week." Counsel confirmed. Counsel and ALJ Woosley did not discuss skiing. Though this was a friendly exchange, the exchange was not personal. ALJ Woosley is professionally acquainted with Cupertino's counsel, like other student, district, and charter attorneys. Such professional familiarity is not evidence of bias.

Student has failed to make an actual showing of bias or prejudice.

ORDER

1. Student's peremptory challenge of ALJ Woosley is denied.
2. Student's challenge for cause, of ALJ Woosley, is denied.
3. All dates previously set in this matter are confirmed.

IT IS SO ORDERED.



Clifford H. Woosley
Administrative Law Judge
Office of Administrative Hearings