BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

FREMONT UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2025070664

ORDER DENYING DISQUALIFICATION OF ADMINISTRATIVE LAW JUDGE

OCTOBER 28, 2025

On October 27, 2025, after two days of the due process hearing, Parent on behalf of Student, filed a motion to disqualify the undersigned Administrative Law Judge, called ALJ, from this hearing.

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:

- 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, to be a basis for disqualification, the financial interest of an 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 an 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

Parent seeks to remove the undersigned ALJ for cause upon the claim that she demonstrated bias and prejudice favoring Fremont Union High School District and against Student and Parent in her interpretation of the law regarding hearing objections,

evidentiary admissions, scope of questions, and the reasonable accommodations for Parent. Thus, Parent argues, ALJ is bias and prejudice against Parent and Student.

Parent's allegations of bias and prejudice are based on the ALJ's discretion during the hearing process. The record reflects that the ALJ ruled on objections, determined evidence admissibility, and limited the scope of questioning during the hearing in accordance with applicable evidentiary standards and hearing procedures, and was grounded on the specific questions presented and based on issues in this matter and the unique circumstances of the case. Such rulings fall within the ALJ's authority to control the course of the hearing proceedings. If such a standard were deemed prejudicial, it would imply that any ALJ who ruled against a party on objections and admissibility, or controlled the hearing in a way not satisfactory to a party, would be considered bias and prejudice.

With respect to reasonable accommodations, the record shows that the ALJ acted upon Parent's accommodation requests consistent with the Office of Administrative Hearing procedures and requirements under the American with Disabilities Act. Parent's mere disagreement with the outcomes of such determinations does not constitute proof of bias or prejudice. Further, adverse or unfavorable rulings, even if erroneous are not sufficient grounds for disqualification absent a showing of bias.

After carefully reviewing the motion, and considering the undersigned's rulings and ability to control the hearing, Parent failed to show any probable or actual bias on the part of the ALJ toward Parent or Student. The undersigned holds no bias or prejudice toward Parent or Student, has no financial interest in the outcome of this case, or any personal connection to any hearing participant in this matter.

Accordingly, Student's motion to disqualify the ALJ as a challenge for cause is denied.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings