BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026050038

ORDER DENYING CHALLENGE FOR CAUSE

JULY 14, 2026

On July 13, 2026, Student filed a challenge for cause seeking to disqualify Administrative Law Judge Paul Kamoroff from hearing this case.

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. (*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 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.)

Student fails to cite legal authority for his challenge. Rather, Student's attorney claims she was mistreated by the undersigned Administrative Law Judge during the prehearing conference as the sole basis of the challenge. Student's attorney claims are without merit.

On July 10, 2026, the undersigned Administrative Law Judge, called ALJ, held a prehearing conference by videoconference, called PHC. Attorney Leejanice Toback represented Student. Paralegal Eloisa Johnson also attended on behalf of Student.

Attorney Rebal Halabi-Boutros represented Elk Grove Unified School District, called Elk Grove.

Student first contends that the ALJ failed to implement Student's requested accommodations at the outset of the PHC. The undersigned ALJ was not aware that OAH's accommodations coordinator previously granted counsel particular accommodations. While most accommodations were provided, some were not. Accordingly, in the interest of justice, a second prehearing conference in this matter will be held on Friday, July 17, 2026, at 1:00 PM. All previously ordered accommodations will be provided during the reconvened prehearing conference.

Student next asserts that the ALJ failed to consider whether the applicable statute of limitations should be tolled. This assertion is directly contradicted by the record. During the PHC, the ALJ specifically inquired whether Student was asserting any statutory exception to the two-year statute of limitations. Student's counsel expressly represented that Student was not alleging any of the statutory exceptions. Instead, counsel argued that the statute of limitations should be tolled under a continuing violation or continuing claims theory.

The ALJ considered this argument but concluded that it was not supported by the governing law. In doing so, the ALJ cited the applicable statutory provisions on the record, including Education Code section 56505, subdivision (l), and 20 United States Code section 1415(f)(3)(C) and (D). These provisions establish the exclusive statutory exceptions to the two-year limitations period, permitting an exception only where (1) the parent was prevented from requesting a due process hearing because the local educational agency made specific misrepresentations that it had resolved the problem forming the basis of the complaint, or (2) the local educational agency withheld

information from the parent that it was legally required to provide. (Ed. Code, § 56505, subd. (l); 20 U.S.C. § 1415(f)(3)(C)-(D).)

The ALJ further asked Student's counsel whether Student's amended complaint alleged either statutory exception. After reviewing the pleading with the assistance of her paralegal, Student's counsel acknowledged that no exception to the statute of limitations had been alleged in Student's 164-page amended complaint. Nevertheless, the ALJ independently reviewed the complaint and determined that an exception was alleged and allegations predating the limitations period could remain at issue for purposes of the due process hearing. Thus, notwithstanding counsel's acknowledgment that no statutory exception had been pleaded, the ALJ construed the amended complaint liberally in Student's favor and permitted otherwise time-barred allegations to proceed. Student's present assertion that the ALJ failed to consider tolling or exceptions to the statute of limitations is therefore directly contrary to what actually transpired during the PHC.

Finally, Student alleges that the ALJ rushed through the PHC and displayed favoritism or undue empathy toward the Elk Grove. Once again, the record refutes Student's allegations.

Student's original due process complaint was previously found partially insufficient by the OAH. Thereafter, Student filed a 164-page amended complaint and subsequently submitted an approximately 70-page PHC statement identifying numerous issues that differed from those alleged in the amended complaint. Elk Grove objected to Student's attempt to expand or modify the issues beyond those properly pleaded.

Rather than summarily sustaining the Elk Grove's objections, the ALJ undertook an extensive review of Student's filings. The ALJ carefully compared the allegations

contained in Student's 164-page amended complaint with the issues identified in Student's lengthy PHC statement to determine whether each proposed issue had been adequately pleaded and therefore could properly proceed to hearing. This painstaking review occurred during a PHC lasting more than two hours and forty minutes. Throughout that proceeding, the ALJ systematically addressed each proposed issue, heard argument from the parties, and ensured that the resulting PHC Order accurately reflected the claims properly before the tribunal. Far from rushing the proceedings, the record demonstrates that the ALJ devoted substantial time and attention to carefully identifying and preserving Student's properly pleaded claims.

Student cites no legal authority, presents no persuasive factual basis, and identifies no conduct that would cause a reasonable person to doubt the ALJ's impartiality. Instead, Student's allegations are contradicted by the record of the proceedings. Accordingly, Student has failed to establish any legal or factual basis for disqualification of the undersigned ALJ, and the challenge for cause is denied. All dates previously set in this matter are confirmed, with the addition of a second PHC to be held on Friday, July 17, 2026, at 1:00 PM.

IT IS SO ORDERED.

Paul Kamoroff

Paul H Kamoroff
Administrative Law Judge
Office of Administrative Hearings