

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

STOCKTON UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014040188

ORDER GRANTING DISTRICT'S
PEREMPTORY CHALLENGE

On November 17, 2014, prior to the commencement of the prehearing conference in this matter, Diane Beall, attorney for the Stockton Unified School District, moved for a peremptory challenge to Administrative Law Judge Margaret Broussard. Stockton also contended it filed a written peremptory challenge, although it was not in the file.

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 a hearing. (Gov. Code, § 11425.40, subd. (d).; Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b).) 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).)

Stockton'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). The matter is reassigned to ALJ Rebecca Freie.

IT IS SO ORDERED.

DATE: November 17, 2014

/s/

JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings