

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

VENTURA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021040283

ORDER DENYING VENTURA UNIFIED SCHOOL DISTRICT'S

PEREMPTORY CHALLENGE

SEPTEMBER 23, 2021

On July 2, 201, Ventura Unified School District filed a notice of peremptory challenge to Administrative Law Judge Cararea Lucier in the above captioned matter. On July 2, 2021, OAH granted Ventura Unified School District's peremptory challenge by oral notice pursuant to Government Code section 11425.40, subdivision (d), of the Administrative Procedures Act, and California Code of Regulations, title 1, section 1034, and reassigned the case to a different Administrative Law Judge.

On September 23, 2021, Ventura Unified School District filed a notice of peremptory challenge to Administrative Law Judge Sabrina Kong in the above captioned matter.

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. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

Ventura Unified School District's peremptory challenge is denied pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (a) as a party only receives one challenge.

ORDER

Ventura Unified School District's challenge of ALJ Kong is denied.

IT IS SO ORDERED.

Peter Paul Castillo

Peter Paul Castillo

Presiding Administrative Law Judge

Office of Administrative Hearings