

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

MONROVIA UNIFIED SCHOOL DISTRICT,

and

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2024070979

OAH CASE NUMBER 2024030766

ORDER DENYING MOTION TO DISQUALIFY
ADMINISTRATIVE LAW JUDGE

OCTOBER 18, 2024

On October 18, 2024, on the fourth day of the due process hearing, Monrovia Unified School District filed a motion to disqualify the undersigned Administrative Law Judge, called ALJ, from hearing this case.

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, 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

Monrovia seeks to remove the undersigned ALJ for cause, upon the claim that she demonstrated bias and prejudice favoring Student and against Monrovia in her interpretation of the law regarding hearing objections and rebuttal evidence. Monrovia contends the undersigned ALJ's rulings regarding objections and the decision to recall Student's expert for the purpose of potential rebuttal evidence, favored Student. Monrovia contends that its artificial intelligence software scan of the hearing concluded that 68.3 percent of the rulings on objections were in Student's favor, thus demonstrating the undersigned ALJ's bias toward Student.

The undersigned ALJ has considered Monrovia's challenge for cause and request for a new administrative law judge and relevant legal provisions cited in its motion. Monrovia has not demonstrated any probable or actual bias or prejudice on the part of the undersigned ALJ towards Student. The undersigned ALJ holds no bias towards Student or prejudice against Monrovia and has no financial interest in the outcome of this case or any personal connection to any hearing participant in this matter.

Monrovia's challenge, based on the percentage of rulings against its objections' during hearing does not demonstrate bias or prejudice. The undersigned's rulings are grounded in the specific questions asked and the evidence presented and are based on the unique circumstances of the case. If such a standard were deemed prejudicial, it would imply that any ALJ who ruled against a party on objections could be considered bias. Additionally, Monrovia's claim of bias related to allowing rebuttal witness is rejected as no rebuttal testimony has been presented or allowed as the witness has not yet been called, nor specific offers of proof considered. Accordingly, Monrovia's motion to disqualify the ALJ as a challenge for cause is denied.

ORDER

Monrovia's motion to disqualify the ALJ at hearing is denied. The hearing will proceed as scheduled.

IT IS SO ORDERED.

Rita Defilippis

Rita Defilippis

Administrative Law Judge

Office of Administrative Hearings