BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

ALHAMBRA UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2024010914

ORDER GRANTING DISTRICT'S PEREMPTORY CHALLENGE AND CHANGING HEARING START TIME

APRIL 12, 2024

On April 12, 2024, Alhambra Unified School District filed a notice of peremptory challenge with the Office of Administrative Hearings, called OAH, to Administrative Law Judge L. Gorsline. An Administrative Law Judge is called ALJ. The peremptory challenge is made pursuant to Government Code section 11425.40, subdivision (d), of the Administrative Procedures Act, and California Code of Regulations, title 1, section 1034.

Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of the presiding officer. A party is entitled to one peremptory challenge, also called disqualification without cause, to an ALJ assigned to an OAH hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) A

peremptory challenge is not allowed if made after the hearing starts. 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 must be made no later than the start 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).)

If the hearing is to be held at an OAH regional office, the peremptory challenge must be made no later than two business days before the hearing. (Cal. Code Regs., tit. 1, § 1034, subd. (d).) If the hearing is to be held at a site other than an OAH regional office, the peremptory challenge must be made by noon on the Friday before the hearing. (Cal. Code Regs., tit. 1, § 1034, subd. (e).)

District's peremptory challenge of ALJ L. Gorsline is granted. The case is now assigned to ALJ P. Pahl and all scheduled dates remain on calendar. Because of the late change of ALJ, the hearing will begin on Tuesday only at 1:00 p.m. Zoom invitations will be sent on Tuesday morning.

IT IS SO ORDERED.

Margaret Gibson

Margaret Gibson
Presiding Administrative Law Judge
Office of Administrative Hearings