BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Matter of:<br><br>KERN HIGH SCHOOL DISTRICT,<br><br>v.<br><br>PARENT ON BEHALF OF STUDENT. | OAH CASE NO. 2014031002<br><br>ORDER DENYING STUDENT'S PEREMPTORY CHALLENGE |

On April 23, 2014, Student filed a peremptory challenge seeking to disqualify Administrative Law Judge (ALJ) Stella Owens-Murrell from hearing this case. District opposed the request on April 24, 2014, on the ground it was not timely made.

A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an Office of Administrative Hearings (OAH) hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) 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, and cannot be made after a hearing has begun. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

Here, a prehearing conference was held before ALJ Stella Owens-Murrell on April 18, 2014, and a written order issued reflecting that the prehearing conference had been started and continued. Thus, Student's peremptory challenge was not timely made and is denied.

IT IS SO ORDERED.

DATE: April 24, 2014

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RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings