BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. TEMPLETON UNIFIED SCHOOL DISTRICT,	OAH Case No. 2017051280
TEMPLETON UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017060886 ORDER DENYING PEREMPTORY CHALLENGE

On September 11, 2017, Templeton Unified School District filed a notice of peremptory challenge to Administrative Law Judge Penelope Pahl in the above captioned matter. On July 14, 2017, ALJ Pahl held the first prehearing conference in this matter. No peremptory challenge was filed prior to the July 14, 2017 prehearing conference. Templeton's 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 (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, and cannot be made after a hearing has begun. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

Templeton's peremptory challenge is not timely made and is DENIED pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c).

IT IS SO ORDERED.

DATE: September 12, 2017

DocuSigned by:
Margaret Gibson
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MARGARET GIBSON
Presiding Administrative Law Judge
Office of Administrative Hearings