BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PALO ALTO UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2023070764

ORDER GRANTING PEREMPTORY CHALLENGE

AUGUST 4, 2023

On July 20, 2023, Palo Alto Unified School District filed a request for due process hearing with the Office of Administrative Hearings, called OAH, naming Parents on behalf of Student. On August 4, 2023, Student filed a notice of peremptory challenge to Administrative Law Judge Paul Kamoroff. An Administrative Law Judge is called an ALJ. Student'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, 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).) IA 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).)

Student's peremptory challenge is timely made and is granted pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c). The August 4, 2023, prehearing conference, will be held at 11:00 AM instead of 10:00 AM. All other scheduled hearing dates remain on calendar. ALJ Charles Marson is assigned to the case.

IT IS SO ORDERED.

Tara Doss

Tara Doss
Presiding Administrative Law Judge
Office of Administrative Hearings