BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018050306 ORDER GRANTING DISTRICT'S PEREMPTORY CHALLENGE AND SETTING DATE AND LOCATION OF HEARING

On January 22, 2018, Santa Monica-Malibu Unified School District filed a peremptory challenge seeking to disqualify Administrative Law Judge June R. Lehrman from hearing this case.

District'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).

Pursuant to California Code of Regulations, title 1, section 1034, subdivision (g), the due process hearing is continued for one day to effectuate assignment of a different ALJ.[1]

On September 17, 2018, OAH issued a Prehearing Conference Order finding District failed to certify that the location of the hearing complied with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.), the Unruh Civil Rights Act (Civ. Code, § 51 et seq.), and all laws governing accessibility of government facilities to persons with disabilities. District was ordered to inform OAH that District's facilities for the hearing met these legal requirements. On September 20, 2018, District filed a Certification of ADA-compliant facility and rooms for the hearing. On September 21, 2018, District filed a request to change the location of the hearing from the address contained in the PHC Order to the address contained in the certification. Student did not object. District's request to change the location of the hearing is granted.

ORDER

1. District's challenge of ALJ Lehrman is granted.

[1] This Order renders Student's September 21, 2018, Request for Reconsideration of Change in Hearing Dates moot.

2. ALJ Judith Pasewark is assigned to the hearing.

3. The hearing shall begin on September 26, 2018, at 9:30 a.m.

4. The hearing shall be held at Santa Monica-Malibu Unified School District, 1651 16th Street, Santa Monica, California 90404.

IT IS SO ORDERED.

DATE: September 24, 2018

DocuSigned by:
Marian H. Tully
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MARIAN H. TULLY
Presiding Administrative Law Judge
Office of Administrative Hearings