BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. TORRANCE UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2012120476 ORDER GRANTING DISTRICT'S PEREMPTORY CHALLENGE

On May 20, 2013, District filed a peremptory challenge to disqualify Administrative Law Judge (ALJ) Elsa H. Jones from hearing this case.

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).) 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).)

District's peremptory challenge is timely made and is granted pursuant to Government Code section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c). ALJ Clifford Woosley is now assigned to the prehearing conference and hearing. The prehearing conference will be delayed until 2:00 p.m. on May 20, 2013 in light of the peremptory challenge.

IT IS SO ORDERED.

Dated: May 20, 2013

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