BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ASPIRE INSKEEP CHARTER ACADEMY, ASPIRE CENTENNIAL COLLEGE PREPARATORY ACADEMY AND ASPIRE PUBLIC SCHOOLS.

OAH CASE NUMBER 2023020691

ORDER GRANTING ASPIRE INSKEEP CHARTER ACADEMY'S PEREMPTORY CHALLENGE

MAY 10, 2023

On May 9, 2023, Aspire Inskeep Charter Academy filed a notice of peremptory challenge to Administrative Law Judge P. Pahl in the above captioned matter. The 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. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

The 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).

ORDER

1. The challenge of ALJ P. Pahl is granted.
2. All dates previously set in this matter will remain on calendar. The matter is reassigned to ALJ Hatfield.

IT IS SO ORDERED.

Margaret Gibson

Margaret Gibson
Presiding Administrative Law Judge
Office of Administrative Hearings