BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: LUCIA MAR UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2013010704 ORDER GRANTING STUDENT'S PEREMPTORY CHALLENGE

On March 11, 2013, prior to the start of the prehearing conference in this matter, Andrea Marcus, attorney for Student, orally exercised a party's right to a peremptory challenge, by challenging Administrative Law Judge (ALJ) Adeniyi Ayoade. Ms. Marcus subsequently filed a written challenge.

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 (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).)

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 matter has been reassigned to ALJ Theresa Ravandi.

IT IS SO ORDERED.

Dated: March 12, 2013

/s/
BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings