BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

ASPIRE PUBLIC SCHOOLS.

OAH CASE NUMBER 2023020691

ORDER GRANTING PEREMPTORY CHALLENGE

MAY 12, 2023

On May 10, 2023, Student filed with the Office of Administrative Hearings, called OAH, a notice of peremptory challenge to Administrative Law Judge Kara Hatfield. An Administrative Law Judge is called 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).) A 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.

ORDER

1. Student's challenge of ALJ Kara Hatfield is granted.
2. All dates previously set in this matter will remain on calendar.

IT IS SO ORDERED.

Tara Doss

Tara Doss

Presiding Administrative Law Judge

Office of Administrative Hearings