

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

DARNALL CHARTER SCHOOL AND SAN DIEGO UNIFIED SCHOOL
DISTRICT.

OAH CASE NUMBER 2024090149

ORDER GRANTING PEREMPTORY CHALLENGE

OCTOBER 11, 2024

On October 11, 2024, San Diego filed a notice of peremptory challenge with the Office of Administrative Hearings, called OAH, to Administrative Law Judge Rita Defilippis. An Administrative Law Judge is called ALJ. San Diego'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).)

San Diego's peremptory challenge is timely and is GRANTED. The case is now assigned to ALJ June Lehrman and all scheduled dates remain on calendar.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Joy Redmon".

Joy Redmon

Presiding Administrative Law Judge

Office of Administrative Hearings