

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025100675

ORDER GRANTING STUDENT'S PEREMPTORY CHALLENGE

SEPTEMBER 03, 2026

On September 2, 2026, Student 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. 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, unless the hearing is reassigned. 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 after the assignment of ALJ Defilippis and is granted pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c).

Student's peremptory challenge of ALJ Defilippis is granted. The case is now assigned to ALJ Jennifer Kelly. Pursuant to California Code of Regulations, title 1, section 1034, subdivision (g), OAH determines that the decision due shall be continued to November 10, 2026, to permit ALJ Kelly to complete the Decision after reviewing the hearing recordings, exhibits and closing briefs.

As San Diego Unified School District has not used a peremptory challenge, San Diego has until Noon on September 8, 2026, to exercise its peremptory challenge. If San Diego uses a peremptory challenge, OAH will issue an order with the name of the new ALJ.

IT IS SO ORDERED.

Peter Paul Castillo

Peter Paul Castillo

Division Chief Administrative Law Judge

Office of Administrative Hearings