BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

GARDEN GROVE UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2026060009

ORDER GRANTING DISTRICT'S PEREMPTORY CHALLENGE

OCTOBER 12, 2026

On October 12, 2026, filed a notice of peremptory challenge with OAH to Administrative Law Judge Penelope Pahl. An Administrative Law Judge is called ALJ. Garden Grove Unified School District'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).) If the hearing is to be held at a site other than an OAH regional office, the peremptory challenge must be made by noon on the Friday before the hearing. (Cal. Code Regs., tit. 1, § 1034, subd. (e).) A peremptory challenge is not allowed on reconsideration or remand. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

Here, OAH assigned ALJ Pahl to conduct the hearing after noon on the Friday before the hearing and District filed the peremptory challenge before the beginning of hearing. Therefore, District's peremptory challenge of ALJ Pahl is timely made and is granted pursuant to Government section 11425.40, subdivision (d) and California Code of Regulations, title 1, section 1034, subdivision (c). The case is now assigned to ALJ Katherine Roe and all scheduled dates remain on calendar.

IT IS SO ORDERED.

Cole Dalton

Cole Dalton
Presiding Administrative Law Judge
Office of Administrative Hearings