BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CAPISTRANO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026090340

ORDER GRANTING DISTRICT'S PEREMPTORY CHALLENGE

OCTOBER 16, 2026

On October 16, 2026, Capistrano Unified School District filed a notice of peremptory challenge with OAH to Administrative Law Judge Rita Defilippis. An Administrative Law Judge is called ALJ. Capistrano'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).)

Capistrano's peremptory challenge of ALJ Defilippis 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 Deborah Myers-Cregar and all scheduled dates remain on calendar.

IT IS SO ORDERED.

Cole Dalton

Cole Dalton
Presiding Administrative Law Judge
Office of Administrative Hearings