BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

NEW HAVEN UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025041199

ORDER GRANTING PEREMPTORY CHALLENGE

JULY 2, 2025

On July 2, 2025, New Haven Unified School District filed a notice of peremptory challenge with OAH, to Administrative Law Judge Thanayi Lindsey. An Administrative Law Judge is called ALJ. New Haven'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).)

The hearing was reassigned to ALJ Lindsey after the PHC, but before the start of the hearing. Therefore, New Haven's peremptory challenge of ALJ Lindsey 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). The case is now assigned to ALJ Jeanie Min and all scheduled dates remain on calendar.

IT IS SO ORDERED.

Cole Dalton

Cole Dalton
Presiding Administrative Law Judge
Office of Administrative Hearings