BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SIMI VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026010936

ORDER GRANTING REQUEST FOR RECONSIDERATION AND DENYING MOTION FOR STAY PUT

FEBRUARY 20, 2026

On January 27, 2026, Parent on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Simi Valley Unified School District, called Simi Valley. OAH designated this matter a dual case with both expedited and non-expedited issues.

On January 27, 2026, Student filed a motion for stay put. On January 30, 2026, Simi Valley filed an opposition to Student's stay put motion. On February 6, 2026, Student filed a second motion for stay put. On February 9, 2026, Student filed a supplementary declaration in support of his motions for stay put. On February 10, 2026, Simi Valley filed an opposition to Student's second motion for stay put.

On February 12, 2026, the undersigned Administrative Law Judge issued an order denying Student's first and second motions for stay put. On February 17, 2026, Student filed a motion for reconsideration of the order denying Student's first and second motions for stay put. On February 17, 2026, Simi Valley Unified School District filed an opposition to Student's motion for reconsideration.

In Student's motion for reconsideration, Student represents that a new evaluation request was initiated on January 22, 2026, that is reflected as the referral date in Student's exhibit 13 to the original motion. However, Student maintains the PDF conversion reduced the clarity of the January 22 referral date on the original document and now submits a higher resolution copy. Student also states that consent was given for this evaluation on February 13, 2026. Thus, Student argues, the order denying stay put does not reflect the effect of the January 22, 2026 referral for evaluation and argues that the stay put dispute remained live at the time of the filing of this request. Thus, stay put should be granted in this matter.

In Simi Valley Unified School District's opposition, it disputes that Parent has consented to any assessment plan generated on January 22, 2026. And, even assuming that a January 22, 2026, assessment plan had been consented to on February 13, 2026, it argues that does not establish a basis of knowledge for stay put protection because this occurred after the behavior that caused the disciplinary action.

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time, generally within ten days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to

previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

RECONSIDERATION IS GRANTED

While the information regarding the January 22, 2026, evaluation request was embedded in Student's exhibit 13 to the original motion, Student adequately explained the issue with the document resolution and attached a new copy for consideration. Further, this information was not addressed in the February 12, 2026, order denying Student's first and second motions for reconsideration. Thus, Student's request for reconsideration is granted.

STAY PUT IS DENIED

However, the new information presented does not change the stay put determination. Until due process hearing procedures are complete, a special education student is entitled to remain in his or her current educational placement, unless the parties agree otherwise. (20 U.S.C. § 1415(j); 34 C.F.R. § 300.518(a) (2006); Ed.Code, § 56505 subd. (d).) This is referred to as "stay put." For purposes of stay put, the current educational placement is typically the last agreed upon and implemented individualized educational program, called IEP, placement prior to the dispute arising. (*Thomas v. Cincinnati Bd. of Educ*. (6th Cir. 1990) 918 F.2d 618, 625.)

In California, "specific educational placement" is defined as "that unique combination of facilities, personnel, location or equipment necessary to provide instructional services to an individual with exceptional needs," as specified in the IEP. (Cal. Code Regs. tit. 5, § 3042, subd. (a).)

Here, Student has not established that he had an IEP which was consented to and implemented prior to this dispute arising. However, for a student who has not yet been determined eligible for special education, stay put protections apply only if the student engaged in behaviors that violated a rule or code of conduct of the local educational agency, called LEA, and the LEA is deemed to have had a basis of knowledge that the student suffered from a disability before the occurrence of the behavior that prompted the disciplinary action. (20 U.S.C. § 1415(k)(5)(B).) The LEA is deemed to have had a basis of knowledge that a student was a student with a disability if any of the following occurred before the behavior that caused the disciplinary action:

1. the parent of the child has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child needs special education and related services;
2. the parent of the child has requested an evaluation of the child pursuant to 20 U.S.C. section 1414(a)(1)(B); or
3. the teacher of the child, or other personnel of the LEA, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education of such agency or to other supervisory personnel of the agency. (20 U.S.C. § 1415(k)(5)(B); 34 C.F.R. § 300.534(b).)

An LEA is deemed not to have knowledge that a student was a student with a disability if the child was assessed and determined not eligible for special education, or the special education assessment was not allowed or services were refused. (34 C.F.R. 300.534(b).)

Considering the January 22, 2026, facts and circumstances, the parties continue to dispute the circumstances of what occurred and the legal effect, as shown in the motion for reconsideration and opposition. Whether Simi Valley had a basis of

knowledge is a disputed factual matter that must be proven by evidence presented during the due process hearing and not resolvable at this time. Accordingly, Student's motion for stay put is denied.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings