BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

NORWALK-LA MIRADA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026051095

ORDER GRANTING REQUEST FOR RECONSIDERATION AND DENYING MOTION FOR STAY PUT

JUNE 9, 2026

On June 2, 2026, the undersigned Administrative Law Judge issued an order denying Student's motion for stay put. On June 4, 2026, Student filed an Emergency Motion for Reconsideration of Stay Put Denial. June 8, 2026, Norwalk-La Mirada Unified School District, called Norwalk-La Mirada, filed an opposition.

APPLICABLE LAW

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.)

DISCUSSION

Student offered new facts to support reconsideration. Student provided new medical information from pediatric neurologist, Dr. Celine Robinson. Dr. Robinson's note, dated June 2, 2026, said that Student is medically fragile and requires a continuous climate-controlled environment for classrooms, hallways, and indoor P.E. and therapy sessions. This information was new information and not considered in the prior Order Denying Stay Put. Student also raised concerns that the middle school functional academic skills training, called FAST program, does not currently have an adaptive swing, would have too much access in the hallways to non-disabled peers, and reiterates his prior argument that Student requires an onsite nurse at all times. Because Student has introduced new facts from a doctor that was not considered previously, the motion for reconsideration is granted.

ORDER

On reconsideration, new evidence was submitted regarding Student's needs. Student submitted a report from his doctor explaining that he needs to have a climate-controlled hallway. Student argues that the hallways in the middle school are not air-conditioned and therefore, it would not be safe for Student due to his medical fragility and constant risk for status epilepticus. Since the previous ruling, parties held an addendum IEP team meeting on June 2, 2026, to further discuss Student's placement and based on the addendum IEP documents, submitted by both parties, a discussion

was held regarding climate-controlled hallways, but the doctor's note was not presented to the IEP team for consideration. Further, the last agreed upon and implemented IEP does not explicitly state that Student requires climate-controlled hallways. The only discussion about hallways is that Student needs his gait trainer to walk out to recess and navigating the playground and hallways. This notation suggests that Student does not remain in air-conditioning at all times as he accesses outside for recess and the playground. Regardless, because this new information from the doctor about having a climate-controlled environment at all times was not presented to the IEP team for consideration, the appropriate setting to discuss this at an IEP team meeting.

Student also raised concerns about his need for an onsite nurse at all times. However, this was addressed in the previous order denying stay put. Student's last agreed upon IEP only required fifteen minutes a month of nurse consult and a one-to-one health care support aide. The IEP did not specify the licensure for the nurse. No new information was presented regarding nursing services that alters the prior stay put ruling.

Student also raises concerns about too much access to non-disabled peers in the middle school FAST program. Student's IEP explicitly states that Student will have limited access to typically developing peers. Student argued that at the proposed middle school site, Student would be, "out of a protected wing and directly into open secondary hallways where he will be exposed to massive general education student crowds during passing periods." No evidence supports this contention. Thus, it is merely conjecture at this point.

Student also alleged that in the proposed site, he will not have an adaptive swing. Norwalk-La Mirada stated in its opposition that if the swing is required as part of Student's IEP, it will be made available at the middle school. Student has not provided

any additional support or information to suggest that Student's services and programs cannot be implemented in the middle school FAST program.

Student's continued disagreement about matriculating to the middle school does not entitle him to remain on the elementary school campus. When a student matriculates to middle school, a student is entitled to receive a placement that, as closely as possible, replicated the placement that existed at the time the dispute arose taking into account the changed circumstances. (R.F. Frankel v. Delano Union School District, (E.D. Cal 2016) 224 F. Supp. 3d, 979, citing, Van Scoy ex rel. Van Scoy v. San Luis Coastal Unified School Dist. (C.D. Cal. 2005) 353 F.Supp.2d 1083, 1086.). As noted in the prior order, stay put does not prevent a student from advancing from grade to grade or matriculating from elementary to middle school. The continued focus on remaining in the elementary school as stay put is misplaced. Here, Student has not established that the middle school program is not comparable for the purposes of stay put. Once implemented, nothing prevents Student from providing evidence, rather than speculation, that the program is not comparable. However, absent an IEP team decision, the law does not envision Student remaining in his elementary school program for the purposes of stay put. The previous ruling on this motion stands. All dates set in this matter are confirmed.

IT IS SO ORDERED.



Jessica Plitt
Administrative Law Judge
Office of Administrative Hearings