BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

VALLEJO CITY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026010841

ORDER GRANTING REQUEST FOR RECONSIDERATION AND MODIFYING STAY PUT ORDER

FEBRUARY 23, 2026

On February 5, 2026, the undersigned Administrative Law Judge issued an order Denying Motion for Stay Put, In Part. On February 11, 2026, Student filed a Petition for Reconsideration of Order Granting Stay-Put, In Part. On February 17, 2026, Vallejo City 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's motion seeks reconsideration of the undersigned ALJ's February 5, 2026, order that Vallejo City offer Student a comparable placement via contract with a nonpublic agency pending the due process hearing and denying Student's request for a stay put order requiring Vallejo City to contract with Innovative Education. The motion was filed six days after the initial order was issued, making the motion timely filed. Student offers new facts which support reconsideration. The motion for reconsideration is granted.

Student contends new facts exist, specifically that the California Department of Education, referred to as the Department, does not allow a nonpublic agency to provide structured academic instruction. Student provides as Exhibit 1 an email dated February 9, 2026, from the Department establishing that nonpublic agencies are not authorized to provide tutoring or specialized academic instruction. Student also provided an email dated January 6, 2021, from Kathy Ward with the Department, which requiring a signed statement from Innovative Education on agency letterhead that it will not use nonpublic agency certification for reading, tutoring, academic instruction or compensatory instruction." Student provides as Exhibit 2, a statement by Aisha Money on Innovative Education letterhead, "I Aisha Money owner and operator of Innovative Education will ensure Innovative Education will not do business as [a nonpublic agency] for any academic services including but not limited to: reading, tutoring, academic instruction or compensatory instruction." The statement is not dated.

Student also offers for the first time, that Ms. Money allowed her nonpublic agency certification to lapse so that she could provide specialized academic instruction, in addition to related services to Student. Ms. Money has an Education Specialist Instruction Credential. Student contends that Ms. Money is in the status of obtaining certification through the Department to be a nonpublic school. She must first obtain the proper permits through the city for her school, which she anticipates will be available in March 2026. Once Ms. Money obtains the permit from the city, she will then apply for certification for an nonpublic school through the Department. Innovative Education is not and has not been a certified nonpublic agency or nonpublic school since 2022.

Student contends that the order requiring that Vallejo City offer Student a comparable placement via contract with a nonpublic agency pending the due process hearing cannot be complied with as written because the Department does not allow an nonpublic agency to provide specialized academic instruction. Student's May 17, 2024, IEP states in relevant part that Student shall be provided with 300 minutes weekly of specialized academic instruction via a virtual platform, as part of the "Virtual High School Program with Innovative Education [Nonpublic Agency]." The new facts alleged in Student's Exhibit 1 support Student's contention that the February 5, 2026, order granting stay put, in part cannot be complied with as written.

Next, Student argues that OAH treated state certification requirements as a public-policy to bar the enforcement of stay-put. Student cites existing federal case law and California Education Code section 56505.2 in support of their position. Student repeats the arguments made in the original motion and contends that whether Innovative Education is a certified nonpublic school or agency is irrelevant for purposes

of the motion for stay put. Re-argument is not a basis for reconsideration. Student has not offered new law justifying reconsideration on that basis.

ORDER

Student's motion for reconsideration was granted.

The prior order requiring that Vallejo City offer Student a comparable placement via contract with a nonpublic agency pending the due process hearing is amended as follows: Vallejo City is ordered to offer Student a comparable placement via contract with a nonpublic school pending the due process hearing.

Student's request for a stay put order requiring Vallejo City to contract with Innovative Education is denied.

IT IS SO ORDERED.

Katherine Roe
Katherine Roe (Feb 23, 2026 16:00:05 PST)

Katherine Roe
Administrative Law Judge
Office of Administrative Hearings