BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

POWAY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026020780

ORDER GRANTING REQUEST FOR RECONSIDERATION AND GRANTING STAY PUT IN PART

MARCH 3, 2026

On February 25, 2026, the undersigned Administrative Law Judge issued an order Denying Student's Motion for Stay Put. On February 26, 2026, Student filed a Motion for Clarification or Reconsideration Re: Student's Motion For Stay Put. On March 2, 2026, Poway Unified School District filed an opposition.

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.)

The Motion for Reconsideration was filed within a reasonable time after the initial Order was issued.

Student offers new facts to support reconsideration. Student contends the order did not address the additional and specific request to implement stay put for transportation-related services. Poway contends no further clarification is necessary and Poway is willing, ready and able to implement the transportation services.

Upon further review, the order dated February 25, 2026, requires additional clarification. The motion for reconsideration is granted. Student contends her last agreed upon and implemented IEP was dated November 10, 2025, as amended on December 15, 2025. Student's IEP provides for placement in Poway's Extensive Supports Special Day Class at a Poway elementary school as well as special education transportation. Transportation is a related service which is to be provided pursuant to the last implemented IEP. However, the IEP does not state what mode of transportation Poway must provide.

Student's IEP includes a Behavior Intervention Instructional Assistant in the amount of 1800 minutes weekly, throughout her school day in general education, special education settings and during related services. The location for the behavior intervention instructional assistant is a separate classroom in a public integrated facility. The IEP does not specifically provide a behavior intervention instructional assistant during transportation. A behavior intervention instructional assistant during transportation is not stay put. Transportation to and from school is stay put. For the purposes of stay put, transportation cannot be conditioned on the addition of a safety

vest. The last agreed upon and implemented IEP provided for transportation. Transportation must be provided.

1. Student's motion for reconsideration is GRANTED.

2. Student's Motion for Stay Put is granted, in part.

3. Poway must provide Student with special education transportation per the November 10, 2026, IEP, amended December 15, 2025.

IT IS SO ORDERED.

Katherine Roe
Katherine Roe (Mar 3, 2026 13:01:56 PST)

Katherine Roe

Administrative Law Judge

Office of Administrative Hearings