BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

VACAVILLE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026020379

ORDER GRANTING REQUEST FOR RECONSIDERATION AND DENYING MOTION FOR STAY PUT

APRIL 23, 2026

On April 14, 2026, the undersigned Administrative Law Judge issued an order denying Stay Put. On April 17, 2026, Student filed a Motion for Reconsideration of that order. Vacaville filed an opposition to Student's Motion for Reconsideration on April 23, 2026.

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 argues in her Motion for Reconsideration that an IEP is not required to create an entitlement to stay put. Student further argued stay put is specifically the last agreed upon and implemented placement. Student offered new facts, circumstances, or law to support reconsideration. Student points to numerous declarations, documents, and exhibits in her March 23, 2026, motion that she contends demonstrate what she is entitled to as a stay put placement. The motion for reconsideration is granted.

For example, in Parent's declaration, exhibit two, Parent attests Student was provided in-home service and speech and language service from February 5 through February 12, 2026. Parent also asserts the last agreed-upon and implemented IEP placement was ten hours a week of instruction in the home, speech and language services, 30 minutes three times a week by phone, and reading instruction.

Exhibit two submitted on Student's behalf is a partial IEP document comprised of a cover page and comment page where the IEP team acknowledges Student's short - term absence and offers two hours daily of academic instruction; 15 minutes weekly of consultation between the special education teacher and staff, 10 minutes weekly of occupational therapy consultation, 15 minutes bi-weekly assistive technology, and speech services delivered via google slides and phone conferencing. This document is unnumbered so it is unclear if this is the entire document. It also does not reflect if Parent consented to this offer.

Exhibit four submitted on Student's behalf is a copy of an email from Parent to Student's special education teacher. Following the email is a copy of an invitation to an IEP team meeting for February 25, 2026.

Exhibit five submitted on Student's behalf is an email from Parent on February 9, 2026, consenting to occupational therapy consultation of 10 minutes per week and 15 minutes per week consultation with special education and general education teacher. Attached to that email was an eleven-page document that purported to be the IEP for February 4, 2026. In this document, Vacaville confirms its offer is temporary, through February 16, 2026. The offer was two hours of home instruction, five days a week, 10 minutes a week of occupational therapy instruction and 15 minutes of bi-weekly consultation with special education and general education teacher.

Exhibit 15 reflects Student returning to school in a modified capacity on March 4, 2026, and Parent's request for clarification of his modified in-person schooling assignment.

Exhibit 17 is a medical note that clears Student for modified in-person instruction through March 19, 2026.

Exhibit 19 is a medical note dated March 18, 2026, returning Student to home schooling for the remainder of the year.

Student filed the due process hearing request on February 4, 2026. Student asserts that his stay put placement at the time the dispute arose includes home instruction. Student argues that the offer of home instruction was implemented but not reduced to an IEP; however, because it was implemented it became his stay put placement. Student's evidence, however, demonstrates Student's home instruction was temporary in nature and scheduled to conclude on February 16, 2026. and neither

Parent nor Vacaville intended for the placement to become Student's permanent placement. Thereafter, Student returned to school.

If a student's placement in a program was intended only to be a temporary placement, such placement does not become a student's "stay put" placement. (*Verhoeven v. Brunswick School Committee* (1st Cir. 1999) 207 F.3d 1, 7-8; *Leonard by Leonard v. McKenzie* (D.C. Cir. 1989) 869 F.2d 1558, 1563-64.)

ORDER

On reconsideration, Student's motion for reconsideration is granted. Upon review, the original order stands. Student did not establish his stay put placement included home instruction. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Tiffany Gilmartin

Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings