BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025070906

ORDER DENYING MOTION FOR STAY PUT

AUGUST 6, 2025

On July 24, 2025, Student filed a motion for stay put. On July 30, 2025, Palo Alto Unified School District, called Palo Alto, filed an opposition.

Student asserts Hope Technology School, called Hope, a private school, is Student's stay put placement because a July 11, 2025 Office of Administrative Hearings, called OAH, decision determined Palo Alto denied Student a free appropriate public education, called FAPE, and ordered reimbursement for Hope for the 2023-2024 and 2024-2025 school years. As a result of this decision, Student contends Hope is Student's current educational placement and therefore Palo Alto is obligated to fund Hope as Student's stay put placement.

Palo Alto asserts OAH's July 11, 2025 decision awarded reimbursement for Hope solely as compensatory education and did not name Hope as Student's current educational or stay put placement.

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.)

Where a parent unilaterally changes the placement of a child, but a subsequent administrative or judicial decision confirms the parental placement is appropriate, the placement must be treated as an agreement between the State and the parents to a change in placement, and the placement becomes the current educational placement for purposes of stay put. (See 34 C.F.R. § 300.518(d).) However, such a favorable decision for a parent must expressly find that the private placement was appropriate. (*K.D. v. Dept. of Educ*. (9th Cir. 2011) 665 F.3d 1110, 1118-21 [holding that, regardless of a potential for reimbursement, the parent's unilateral placement was not stay put because the Department of Education "never affirmatively agreed to place [student there]."]

On July 11, 2025, OAH issued a decision for OAH case number 2025030845, wherein it determined, in part, that Palo Alto denied Student a FAPE during the 2023-2024 and 2024-2025 school years, based on various grounds. As compensatory education, OAH awarded Parents reimbursement for costs and tuition related to Student's attendance at Hope during that time frame. OAH determined Hope was an

appropriate placement for purposes of a reimbursement award but did not analyze whether Hope offered Student a FAPE. As part of the decision, OAH did not name Hope as Student's current educational or stay put placement.

Thus, Palo Alto is not obligated to fund Hope as Student's stay put placement for the 2025-2026 school year as it was not deemed a FAPE by OAH. Student's request for stay put at Hope is denied.

IT IS SO ORDERED.

Paul Kamoroff

Paul H Kamoroff
Administrative Law Judge
Office of Administrative Hearings