BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

MORENO VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026060221

ORDER DENYING MOTION FOR STAY PUT

JUNE 12, 2026

On June 2, 2026, Parent on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Moreno Valley Unified School District, called Moreno Valley. On June 5, 2026, Student filed a motion for stay put. On June 9, 2026, Moreno Valley filed an opposition to Student's stay put motion. On June 12, 2026, Student filed a reply to Moreno Valley's opposition.

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.)

In California, "specific educational placement" is defined as "that unique combination of facilities, personnel, location or equipment necessary to provide instructional services to an individual with exceptional needs," as specified in the IEP. (Cal. Code Regs. tit. 5, § 3042, subd. (a).)

Student's stay put motion seeks an order requiring Moreno Valley to implement Student's last agreed upon and implemented IEP dated April 23, 2026, including implementation of Student's related services and continued placement at Casa Pacifica, a residential treatment center in Camarillo, California, pending completion of the due process hearing proceeding. Student further requests an order prohibiting Moreno Valley from graduating Student or otherwise terminating her eligibility under the Individuals with Disabilities Education Act, called IDEA, during the pendency of these proceedings.

Student's complaint alleges she is 18 year old. The complaint further alleges Student's parent obtained Temporary Letters of Conservatorship on November 5, 2025, and holds Student's educational rights. Student alleges the final hearing on the conservatorship is scheduled for August 25, 2026. Student contends Moreno Valley held an IEP team meeting on April 23,2026 and determined, over Parent's objection, that Student had met requirements for high school graduation. On May 5, 2026, Moreno Valley issued a prior written notice to Parent stating that as of April 30, 2026, Student had met the requirements for a regular high school diploma.

Student's stay put motion alleges Parent obtained an ex parte order from the probate court on or about May 20, 2026, directing Moreno Valley to:

- continue Student's placement and services pursuant to her IEP, "pending further order of the Court and/or completion of the pending Due Process Proceeding";
- suspend further discharge actions;
- confirming the continued validity and effect of the Temporary Limited Conservatorship; and
- requiring Moreno Valley to continue funding Student's residential placement and related services pending further order of the court and/or completion of the due process proceeding.

Moreno Valley contends that the order appointing Parent as temporary conservator expired by its express terms on January 27, 2026. Moreno Valley further contends that the April 30, 2026, IEP team determined Student met all requirements for earning a regular high school diploma, and issued a prior written notice on May 5, 2026, confirming Student's graduation from high school and simultaneous exit from special education.

Moreno Valley further asserts that on May 15, 2026, it directed Casa Pacifica to discharge Student, but Parent has not picked up Student from the residential treatment center. Moreno Valley contends Student has resided at the residential treatment center for approximately five weeks after her high school graduation date.

Moreno Valley disputes that it was provided notice of the ex parte proceeding with the probate court, or that the probate court has jurisdiction to order Moreno Valley to continue to implement Student's IEP. Moreno Valley further argues that Student's eligibility terminated upon her graduation, and there is no legally cognizable "current educational placement" capable of being preserved through stay-put relief.

Student's stay put motion did not include a complete, signed copy of Student's last agreed upon and implemented IEP. Student's stay put motion further was not supported by declarations confirming the facts alleged in the complaint. Student refers to various orders issued by the probate court, but fails to identify the name, location, and case number for the pending probate matter, or attach copies of the pertinent orders referenced in the stay put motion. Student failed to establish her stay put program. Therefore, Student's stay put motion is denied.

This order is without prejudice to Student refiling her stay put motion supported by a complete, signed copy of Student's last agreed upon and implemented IEP, and supporting declarations. Student also should attach copies of the ex parte orders referenced in her motion, as well as any subsequent orders relating to Student's educational program. Finally, should Student elect to refile her motion, she should cite relevant legal authority supporting the proposition that OAH or a court may order a local educational agency to revoke a diploma as part of a student's right to stay put.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings