BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ACALANES UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2026051116

ORDER DENYING MOTION FOR STAY PUT

JUNE 3, 2026

On May 28, 2026, Student filed a motion for stay put. On June 2, 2026, District filed an opposition on the grounds that Student is not a child entitled to the protections of the Individuals with Disabilities Act. Student did not provide a copy of the individualized education program, called IEP, that demonstrated Student's educational program she was entitled to prior to the dispute arising.

APPLICABLE LAW

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.)

DISCUSSION

It is unclear from Student's request for due process and subsequent stay put motion what Student alleges is the last consented to and implemented IEP for stay put purposes. Acalanes provided a sworn declaration from the executive director of Special and Auxiliary Services, Leigh Gregory, attesting to Student never being found eligible for special education nor receiving special education services. Acalanes further argues Student graduated from Campolindo High School with a regular high school diploma on May 29, 2026.

Student did not establish that she is entitled to stay put. Nothing precludes Student from refiling a motion for stay put with the proper documentation to establish Student's entitlement to stay put.

ORDER

Student's request for Stay Put is denied.

IT IS SO ORDERED.

Tiffany Gilmartin

Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings