BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

WALNUT VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026020438

ORDER GRANTING MOTION FOR STAY PUT, IN PART

MARCH 9, 2026

On February 9, 2026, Student filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming Walnut Valley School District. On February 17, 2026, Student filed a motion for stay put. Walnut Valley did not file a response. On February 24, 2026, OAH issued an order denying Student's request for stay put. On February 25, 2026, Student filed a second motion for stay put. Walnut Valley did not file a response.

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).)

Courts have recognized, however, that the status quo cannot always be replicated exactly for purposes of stay put. (*Ms. S. ex rel. G. v. Vashon Island School Dist.* (9th Cir. 2003) 337 F.3d 1115, 1133-35, superseded by statute on other grounds, 20 U.S.C. § 1414(d)(1)(B).) When a student advances from grade to grade, the stay-put provision entitles the student to receive a placement that, as closely as possible, replicates the placement that existed at the time the dispute arose, taking into account the changed circumstances. (*R.F. Frankel v. Delano Union School District,* (E.D. Cal 2016) 224 F. Supp. 3d, 979, *citing, Van Scoy ex rel. Van Scoy v. San Luis Coastal Unified School Dist.* (C.D. Cal. 2005) 353 F.Supp.2d 1083, 1086.)

Student is enrolled in and attending fifth grade at a Walnut Valley elementary school. Student contends his last agreed upon and implemented IEP was dated March 25, 2025, and includes related services of pull-out speech and language 25 minutes once weekly and adapted physical education 30 minutes twice weekly. In Student's Motion for Stay Put dated February 17, 2026, Student did not attach a complete copy of the March 24, 2025, IEP. Student attached the March 24, 2025, IEP, with the current Motion for Stay Put. The March 24, 2025, IEP provides General Education with pull-out supplemental services for speech once a week for 25 minutes and adaptive physical education services twice weekly for 30 minutes. The IEP also provides that Student will

promote to the next grade based on progress regarding district and board approved standards. Parent agreed to the IEP.

Student continues to seek ongoing placement in fifth grade with the currently implemented IEP services during the pendency of this case. Walnut Valley issued a prior written notice on February 19, 2026, indicating that it continues to deny Parent's request for Student to be retained in the fifth grade for the 2026-2027 school year. Presumably, the 2026-2027, school year will not begin before August 2026. There is indication that this case will be ongoing at that time. Therefore, there is no actual current dispute regarding Student's placement.

ORDER

1. Student's motion for stay-put is granted, in part.
2. Student's stay-put placement is a general education classroom with pull-out supplemental services for speech once a week for 25 minutes and adaptive physical education services twice weekly for 30 minutes.
3. Student's motion for stay-put requesting an order that Student be retained in the fifth grade for the 2026-2027 school year is denied at this time.

IT IS SO ORDERED.

Katherine Roe
Katherine Roe (Mar 9, 2026 15:25:11 PDT)

Katherine Roe
Administrative Law Judge
Office of Administrative Hearings