BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CABRILLO POINT ACADEMY.

OAH CASE NUMBER 2025080239

ORDER GRANTING MOTION FOR STAY PUT

AUGUST 18, 2025

On August 6, 2025, Student filed a motion for stay put. Student filed duplicate stay put motions on August 6 and August 7, 2025. On August 11, 2025, Cabrillo Point Academy filed a partial opposition arguing it is implementing Student's last agreed upon individualized education program dated August 21, 2023.

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

Student submitted a seven-page motion that failed to include the operative IEP in dispute. However, Cabrillo Point Academy did. Cabrillo Point provided a copy of the August 21, 2023, IEP that was consented to by Parents on September 9, 2023. Despite some conflicting language in Student's motion, it appears both parties agree this is the last agreed upon and implemented IEP.

The August 21, 2023, IEP provided Student a general education placement for 93 percent of the time. In person occupational therapy for 45 minutes weekly and speech and language services twice a week at 30 minutes each for a total of 60 minutes in a virtual group setting. There was also a provision for Student to be seen individually if an appropriate speech and language group was not available. Student received accommodations such as frequent breaks, distraction reduction, check on understanding, sensory tools, speech-to-text, assignment chunking, to include reduced assignments to demonstrate mastery, calculator use, sensory breaks, and on-task visual reminders.

Cabrillo Point Academy attests it implemented Student's August 21, 2023. Cabrillo Point Academy provided a sworn declaration from Nicki Lewis, Associate Executive Director of Student Services, pledging that Student's program and services will continue in Student's current educational placement. Lewis' declaration also attested to additional IEP team meetings held on October 23, 2023, November 28, 2023, October 9, 2024, January 31, 2025, and February 28, 2025, where Parent did not consent.

Student's stay put placement is as delineated in the August 21, 2023, IEP as consented to by Parents on September 9, 2023.

IT IS SO ORDERED.

Tiffany Gilmartin

Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings