BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

VALLEY OAKS CHARTER SCHOOL AND

KERN COUNTY SUPERINTENDENT OF SCHOOLS.

OAH CASE NUMBER 2025080158

OAH CASE NUMBER 2025080870

ORDER GRANTING MOTION FOR STAY PUT

SEPTEMBER 4, 2025

On August 5, 2025, Student filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing, naming Valley Oaks Charter School and Kern County Superintendent of Schools. On August 18, 2025, Student filed a motion for stay put. Student amended the motion on August 19, 2025. Student's amended motion was accompanied by a declaration and attachment of Student's individualized education program, called IEP. On August 22, 2025, Valley Oaks Charter School, called Valley Oaks, and Kern County Superintendent of Schools, called Kern County, opposed the motion. On August 25, 2025, Student replied to the 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.)

Valley Oaks held a multi-part IEP team meeting for Student on December 17, 2024, February 20, 2025, and March 10, 2025, and amended the IEP on March 30, 2025, collectively called the March 30, 2025, IEP. Including Parents, 13 IEP team members participated in the IEP team meetings, which culminated in a specific offer of placement and services from March 2025, through December 17, 2025, including the extended school year. Parents consented to the IEP on March 30, 2025, and Valley Oaks implemented the IEP thereafter.

On May 28, 2025, Valley Oaks convened an IEP team meeting and offered to change Student's educational placement to a Kern County special day classroom. Parents did not consent to the May 28, 2025, IEP, and filed a request for due process hearing on August 5, 2025, to challenge that IEP offer.

Student asserts Valey Oaks and Kern County are obligated to maintain the March 30, 2025, IEP as Student's stay put placement. Valley Oaks and Kern County argue the March 30, 2025, IEP was intended to be a temporary, diagnostic placement. If a student's placement in a program was intended only to be a temporary placement, such placement does not become a student's stay put placement. (*Verhoeven v. Brunswick School Committee* (1st Cir. 1999) 207 F.3d 1, 7-8; *Leonard by Leonard v. McKenzie* (D.C. Cir. 1989) 869 F.2d 1558, 1563-64.)

The totality of the March 30, 2025, IEP does not support Valley Oaks's and Kern County's interpretation of this IEP. Rather, the IEP offered a comprehensive educational program through Student's next annual IEP team meeting, to be held in December 2025, and included extended school year services. Beginning March 30, 2025, Valley Oaks implemented this IEP. Hence, the March 30, 2025, IEP is Student's last agreed upon and implemented IEP.

Therefore, Valley Oaks and Kern County are obligated to maintain the March 30, 2025, IEP as Student's stay put placement during the pendency of this matter. Student's motion for stay put is granted.

IT IS SO ORDERED.

Paul Kamoroff

Paul H Kamoroff
Administrative Law Judge
Office of Administrative Hearings