BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

DESERT SANDS CHARTER HIGH SCHOOL.

OAH CASE NUMBER 2025080834

ORDER GRANTING MOTION FOR STAY PUT

SEPTEMBER 5, 2025

On August 20, 2025, Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Desert Sands Charter High School, called Deserts Sands. On August 20, 2025, Student filed a motion for stay put. On August 25, 2025, Desert Sands filed an opposition. Student replied to the opposition on August 27, 2025.

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.)

Student asserts his last agreed upon and implemented IEP is dated September 13, 2024, which placed Student at Desert Sands Charter High School. Student included an attachment of the IEP and a declaration by Parent with his pleadings. Desert Sands does not dispute this IEP is Student's last agreed upon and implemented IEP, but argues that Student is not entitled to stay put because Student failed to timely submit a master contract for enrollment with Desert Sands, and the charter school therefore disenrolled Student, making him ineligible for any IEP, including stay put. Parent declares that she and Student timely submitted the master contact for enrollment.

Student established the September 13, 2024 IEP, including placement at Desert Sands Charter High School, is his stay put placement. Therefore, Student's motion for stay put is granted. Desert Sands shall implement Student's September 13, 2024 IEP in full through the pendency of this matter.

IT IS SO ORDERED.

Paul Kamoroff

Paul H Kamoroff
Administrative Law Judge
Office of Administrative Hearings