BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LUCIA MAR UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026041015

ORDER GRANTING MOTION FOR STAY PUT

MAY 7, 2026

On April 20, 2026, Parents on behalf of Student filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming Lucia Mar Unified School District, called Lucia Mar. The due process hearing is scheduled to begin on June 9, 2026.

On April 20, 2026, Student filed a motion for stay put. Student's motion was supported by a declaration by Parent, and a copy of what Student purported is the last agreed upon and implemented individualized education program, called IEP, dated October 29, 2024, as amended on March 26, 2025. Student contends there is a dispute about his placement. Specifically, Student asserts Lucia Mar issued a prior written notice on March 18, 2026, advising Parent of its intention to award Student a regular high

diploma in June 2026. Student requests stay put to prevent Lucia Mar from exiting him from special education and related services by issuing him a high school diploma.

On April 24, 2026, Lucia Mar filed an opposition to Student's motion. Lucia Mar argues Student is anticipated to complete all requirements for a regular high school diploma in June 2026, that it is required to issue Student his diploma upon completion of all requirements, and it is premature to issue stay-put. Lucia Mar further contends that Student's issues and most of his requested remedies can be addressed through a due process hearing after issuance of his diploma.

On April 27, 2026, Student filed a reply to Lucia Mar's opposition. Student primarily argues that Lucia Mar's position that stay put cannot enjoin issuance of a diploma is contrary to the IDEA. Student further disputes Lucia Mar's request that any order granting stay put order apply only through the end of the 2025-2026 school year.

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 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, considering the changed circumstances. (*R.F. Frankel v. Delano Union Sch. Dist.* (E.D.Cal 2016) 224 F. Supp. 3d, 979, *citing, Van Scoy ex rel. Van Scoy v. San Luis Coastal Unified Sch. Dist.* (C.D.Cal. 2005) 353 F.Supp.2d 1083, 1086.)

A child with a disability remains eligible to receive special education and related services necessary for a FAPE after the age of 18, provided the pupil was enrolled in or eligible for the services prior to his 19th birthday, and has not yet completed the prescribed course of study, met proficiency standards, or graduated from high school with a regular high school diploma. (Ed. Code, § 56026, subd. (c)(4).) A pupil with exceptional needs who graduates from high school with a regular diploma is no longer eligible for special education and related services. (34 C.F.R. § 300.102(a)(3)(i) (2006); Ed. Code, § 56026.1, subd. (a).)

The issue of whether a student with a disability will receive a regular high school diploma or a special education certificate when he graduates from high school is not addressed by the Individuals with Disabilities Education Act, called IDEA. State law and school district policy exclusively determine diploma and graduation requirements. A regular high school diploma must be fully aligned with the state's academic standards. (34 C.F.R. § 300.102(a)(3)(iv) (2006).) If a student with a disability meets all state and school district requirements for an award of a regular high school diploma, he cannot be denied a diploma simply because he has a disability. (*Letter to Anonymous* (U.S. Dept.

of Educ., Office of Special Education Programs (OSEP) (Nov.1, 1994).) The IDEA does not establish standards for graduation. (*Letter to Richards* (OSEP Nov. 23, 1990).)

Neither the IDEA nor California education law requires that each graduating student exhibit academic proficiency on a 12th grade level. Instead, the state requires that a student complete the curriculum, and have sufficient passing credits in each required area of study. In California, when an individual with exceptional needs meets a school district's requirements for completion of a prescribed course of study designated in the student's IEP, the school district which developed the IEP shall award the diploma. (Cal. Code Regs., tit. 5, § 3070.) If a student with a disability meets all state and school district requirements for a diploma, then he cannot be denied it purely because he has a disability. To do so would constitute discrimination based on disability, prohibited under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701, et seq.). (*Letter to Runkl*, U.S. Dept. of Educ., Office for Civil Rights (Sep. 30, 1996), *Letter to Anonymous,* OSEP (Nov. 1, 1994).)

Graduation from high school with a regular high school diploma is considered a change of placement. (34 C.F.R. § 300.102(a)(3)(iii).) A school district is required to provide written notice to the parents of the child with a disability whenever the district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of a FAPE to the child. (20 U.S.C. § 1415(b)(3).) This includes a student's graduation with a regular diploma and exit from high school as the graduation constitutes a change in placement due to termination of special education services upon graduation. (34 C.F.R. § 300.102(a)(3)(iii).)

Stay put may apply when a student with a disability files for a due process hearing on the issue of whether graduation from high school, which ends special education eligibility, is appropriate. (*Cronin v. Bd. of Educ. of East Ramapo Cent. Sch.*

Dist. (S.D.N.Y. 1988) 689 F.Supp. 197, 202, fn. 4 (*Cronin*); see also *R.Y. v. Hawaii* (D.Hawaii (February 17, 2010, Civ. No. 09-00242) 2010 WL 558552, **6-7 (*R.Y.*) (holding the Hawaii Department of Education violated stay put when it granted a high school diploma to a special education student while the issue of student's graduation was pending in a judicial proceeding; see also *Kevin T. v. Elmhurst Community Sch. Dist. No. 205* (N.D.Ill. March 20, 2002, No. 01 C 0005) 2002 WL 433061 (holding that a student could return to his private school placement at the school district's expense during the pendency of a dispute of whether student should be able to graduate from high school).) Stay put applies under these circumstances because if it did not, school districts could unilaterally terminate a student's special education eligibility by graduating them from high school, even though the issue of graduation was properly before a court. (*R.Y.*, *supra*., 2010 WL 558552, at **6-7 ["the language of the stay-put provision is unequivocal-student is entitled to remain in her 'then-current educational placement' pending these proceedings"].)

Student's complaint alleges that he is a 19-year old high school student, attending Arroyo Grande High School and receiving special education and related services pursuant to an October 29, 2024, IEP, as amended on March 26, 2025. Student identifies numerous issues for hearing, including that Lucia Mar denied him a free appropriate public education , called FAPE by:

- failing to offer Student an adequate educational program with appropriate goals, services, and placement;
- improperly assigning Student grades that did not reflect his true abilities for the purpose of awarding him a diploma;

- failing to conduct adequate transition assessments and offer Student a transition plan reasonably calculated to prepare Student for post-secondary education, employment and independent living;
- predetermining Student's placement and services; and
- committing other procedural violations that denied Parents meaningful participation in the planning of Student's educational program and caused a loss of educational benefit to Student.

Student seeks stay put pursuant to the October 29, 2024, IEP, as amended on March 26, 2025. The IEP offered Student:

- placement in a regular class;
- 160 minutes weekly specialized academic instruction in a small group in a separate classroom;
- 30 minutes weekly individual and group language and speech services in a separate classroom;
- 30 minutes monthly language and speech consultation services between the speech-language pathologist and general education and resource teachers and coaches;
- 60 minutes yearly consultation services between the case manager/IEP team and coaches and staff regarding social skills;
- 30 minutes monthly college awareness services in a regular classroom;
- 30 minutes monthly career awareness services in a regular classroom; and
- extended school year services consisting of 30 minutes weekly language and speech services in a group setting.

In both *Cronin* and *R.Y.*, stay put orders were granted prohibiting the school districts from unilaterally exiting students from special education by conferring a regular

education high school diploma pending a due process dispute. In this case, Student timely filed a complaint alleging, in part, that Lucia Mar is inappropriately attempting to change his placement outside the IEP process by exiting him from special education through graduation. Lucia Mar's arguments to the contrary do not address the holdings of *Cronin* and *R.Y.* and are not persuasive.

Lucia Mar's argument that it is premature to apply stay put because the 2025-2026 school year does not end until June 5, 2026, is not persuasive. Lucia Mar does not dispute that it issued a prior written notice in March 2026 advising Parent of its intention to issue Student a regular high school diploma, and argues it is required to award Student a regular high school diploma once he meets general education graduation requirements. Although Lucia Mar may raise as an affirmative defense at hearing that Student met all state and school district requirements for a diploma, this does not deprive Student of his stay put protections, and the issue of whether he should be awarded a regular high school diploma is properly before OAH. (*R.Y.*, *supra*, 2010 WL 558552, at *7.)

Lucia Mar's reliance on OAH's decision in *Parent on behalf of Student v. Sonoma Valley Unified School District* (February 6, 2026) OAH Case No. 2025090701 for the proposition that school districts are required to award a student a regular high school diploma when they meet the general education graduation requirements and therefore stay-put does not apply, is unpersuasive. In that case, the student did not file a complaint challenging the student's graduation with a regular high school diploma until after the student had graduated, and as a result stay put did not apply. In contrast, here, Student's complaint was filed in anticipation of Student's potential graduation with a regular high school diploma and exit from special education. Therefore, Student is

entitled to stay put protection during the pendency of this dispute. (*Cronin*, *supra*, 689 F.Supp. at p. 202, fn. 4; *R.Y., supra,* 2010 WL 558552, **6-7.)

Lucia Mar also requests that if stay put is granted it must continue only through the remainder of the 2025-2026 school year. Lucia Mar does not cite legal authority in support of this request, and this argument is contrary to the unequivocal protections provided by stay-put. (*Ibid.*; see also *Honig v. Doe* (1988) 484 U.S. 305, 323.)

Student's filing of the complaint challenging his readiness for graduation triggered his automatic right to stay put protection under the IDEA. Student's motion for stay put with respect to the October 29, 2024, IEP, as amended on March 26, 2025, is granted. As such, while this case is pending, Student has a right to remain in the last agreed upon and implemented placement before the dispute arose. As Lucia Mar did not dispute the October 29, 2024, IEP, as amended on March 26, 2025, was the last agreed upon and implemented IEP, it is the controlling IEP when determining Student's stay put placement.

ORDER

1. Student's motion for stay put is granted.
2. Lucia Mar must continue to implement Student's October 29, 2024, IEP, as amended on March 26, 2025, as closely as possible, pending completion of this due process case and Student will remain eligible as a special education student, pursuant to the IDEA.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings