BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

BUCKEYE UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2025111004

ORDER DENYING MOTION FOR STAY PUT

DECEMBER 22, 2025

On November 24, 2025, Parents on Student's behalf filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, naming Buckeye Union School District. The Office of Administrative Hearings is called OAH. Buckeye Union School District is called Buckeye.

On December 1, 2025, Student filed a motion for stay put and attached exhibits 1 to 10 in support of their motion. Student's exhibit 1 was a copy of the March 31, 2025, individualized education program, called IEP, and exhibit 2 was a copy of Parents' consent to the IEP. Student contends that the last agreed upon IEP, was the annual IEP dated March 31, 2025. On April 24, 2025, Parents consented to the following free appropriate public education, called FAPE, offer of:

a. a general education program at Charter Montessori Valley View Campus in the regular classroom setting with 4 percent outside the regular classroom and 96 percent inside the regular classroom; and
b. special education related services of:
    i. 60 minutes per month of individual occupational therapy,
    ii. 20 minutes per week of individual or group language and speech therapy, and
    iii. 30 minutes per week of group specialized academic instruction.

On October 27 and November 4, 2025, Buckeye held IEP team meetings to amend the March 31, 2025, IEP. The FAPE offer was:

a. a general education program at Charter Montessori Valley View Campus with 26 percent outside the regular class and 74 percent inside the regular class; and
b. special education related services of:
    i. 60 minutes per month of individual occupational therapy,
    ii. 20 minutes per week of individual or group language and speech therapy, and
    iii. 420 minutes per week of group specialized academic instruction in a pull-out model.

On December 3, 2025, Buckeye filed an opposition to the motion for stay put, supported by a declaration by Nicole Schraeder, and exhibits A, B, and C. Buckeye contends the last agreed upon and implemented IEP was March 31, 2025, as amended on October 27 and November 4, 2025. Buckeye contends Parents gave consent to the amended provisions on November 6, 2025, and Buckeye implemented the amended IEPs' placement and services.

On December 4, 2025, Student filed a reply in support of the motion for stay put. Student further contends in its reply that the specialized academic instruction was implemented on a "diagnostic or trial basis," as referenced by Student's exhibits 9 and 10. Also on December 4, 2025, Buckeye filed an amended opposition to the motion for stay put.

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.) The U.S. Supreme Court has called this language "unequivocal," meaning that a district cannot remove a student with a disability from his current educational placement during a FAPE dispute unless a specific exception applies. (*Honig v. Doe* (U.S. 1988) 484 U.S. 305 [108 S.Ct. 592].)

Student's motion focused on whether the 420 minutes of specialized academic instruction was stay put. Stay put provisions focus on parental consent and a school district's implementation of the consented to FAPE terms. Here, Parents' and Buckeye's declarations stated Parents gave written consent to the amended October 27 and November 4, 2025, IEPs that included occupational therapy, language and speech therapy, and the increased minutes for specialized academic instruction on November 6, 2025. Also, Parents' declaration confirmed Buckeye implemented each of the amended terms prior to the date of Student's complaint with OAH. Furthermore, Parents' declaration stated they revoked the November 6, 2025, consent which supports the existence of parental consent on November 6, 2025. The undisputed facts are Parents

gave consent to the amended IEPs and Buckeye implemented the IEPs before Student filed the complaint on November 24, 2025. Therefore, the placement and services in the March 31, 2025, IEP, as amended on October 27, and November 4, 2025, are Student's stay put.

Parents' arguments about the validity of the November 6, 2025, consent and revocation on November 17, 2025, along with Student's attached exhibits 3 to 10 and reply brief raise legal issues relevant to issues 1, 2, and 3 of Student's complaint and must be decided at hearing.

ORDER

1. Student's motion for stay put to exclude 420 minutes of specialized academic instruction pull-out model is denied.
2. Student's stay put shall be the placement and related services in the March 31, 2025, IEP, as amended on October 27, and November 4, 2025.

Thanayi Lindsey
Thanayi Lindsey (Dec 22, 2025 11:11:13 PST)

Thanayi Lindsey
Administrative Law Judge
Office of Administrative Hearings