BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CLOVIS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025110599

ORDER DENYING MOTION FOR STAY PUT

DECEMBER 9, 2025

On November 24, 2025, Student filed a motion for stay put, supported by a declaration from Parent. Student requests a stay-put order to change high schools, from Clovis West High School to Buchanan High School, due to safety concerns at Clovis West.

On November 25, 2025, Clovis Unified School District filed an opposition, supported by a declaration by program specialist Stacey Tafoya. Clovis asserts that Buchanan High School is not Student's stay-put placement, and attached Student's December 11, 2025, IEP, as amended on January 30, 2025, and April 11, 2025. On November 26, 2025, Student filed a response.

APPLICABLE LAW

Until due process hearing procedures are complete, a student eligible for special education is entitled to remain in their 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. (*L.M. v. Capistrano Unified Sch. Dist.*, (9th Cir. 2009) 556 F.3d 900, 902.)

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).)

DISCUSSION

Student requests a stay-put order placing him at Buchanan High School, due to safety concerns at Clovis West High School, Student's current school of attendance. Student asserts that he was recently attacked by other students at Clovis West. Following a manifestation determination review regarding that incident, which found Student's behavior a manifestation of his disability, Student returned to Clovis West. Student also asserts that he was previously injured when hit by a car while biking to Clovis West. Student asserts that he no longer feels safe at Clovis West, and that Buchanan is closer to his home than Clovis West, which would enable Student to walk to school. Student further asserts his stay-put placement is not the location of the school, but rather the type of programs and services to which he is entitled. Student maintains that he could receive the same special education services at Buchanan as at Clovis West.

Clovis contends that Buchanan High School is not Student's stay-put placement, as Student has never attended Buchanan nor is it his last agreed upon and implemented special education placement. Clovis asserts Student's December 11, 2025, IEP, as amended on January 30, 2025, and April 11, 2025, is Student's last consented-to and implemented IEP. Because the IEP indicates Student's school of attendance is Clovis West, and because the IEP was signed by Parent on Mach 4, 2025, and implemented, Clovis asserts that Clovis West is Student's stay-put educational placement. While Clovis denies that Student is unsafe at Clovis West, Clovis offered Student the opportunity to transfer to another Clovis high school, specifically Clovis North High School. Clovis asserts that the special education program at Buchanan is impacted, so there is no space for Student at Buchanan.

Student's motion fails to establish that Buchanan High School is Student's educational placement and, thus, Student's stay-put placement. Though Student's motion did not attach an IEP, Student does not contest that the December 11, 2025, IEP, provided by Clovis, which identifies Clovis West as Student's school placement, is his last consented-to and implemented IEP. Moreover, Student fails to cite any binding or precedential legal authority for the theory that a student may choose a different school site as their stay-put placement, following a determination that their behavior was a manifestation of their disability and returning them to the school placement identified in their IEP.

Accordingly, Student's motion is denied. Nothing in this order prevents the parties from reaching an agreement otherwise regarding Student's placement. That may include Student enrolling in Clovis North High School, as offered by Clovis.

ORDER

Student's motion for stay put is denied.

IT IS SO ORDERED.

Daniel Senter

Daniel Senter

Administrative Law Judge

Office of Administrative Hearings