BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS BANOS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025080379

ORDER DENYING MOTION FOR STAY PUT

AUGUST 19, 2025

On August 8, 2025, Parents on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Los Banos Unified School District, called Los Banos Unified. On August 8, 2025, Student filed a motion for stay put seeking continued placement of her current program at Change Academy at the Lake of the Ozarks, referred to as CALO. On August 13, 2025, Los Banos filed an opposition to Student's stay-put motion and argued an order for stay put is not necessary because the last agreed upon and implemented program at CALO is not disputed by the parties, and is being implemented by Los Banos Unified.

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.) In California, specific educational placement is defined as the 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).)

Student contends a dispute exists regarding her stay-put placement because on April 3, 2025, an individualized education program, called, IEP team reviewed Student's progress towards graduation requirements and discussed a projected high school graduation date of August 15, 2025. Student argues a stay put order is required to prevent Los Banos Unified from issuing Student a high school diploma, thereby terminating her right to special education and services.

Los Banos Unified represents it will continue to implement Student's program at CALO. Los Banos Unified asserts it has not made any changes to Student's educational program through the IEP process or through any unilateral decision about Student's special education and related services, including exiting Student from special education on August 15, 2025. Los Banos Unified represents it will continue to implement Student's last agreed upon and implemented IEP dated April 3, 2025.

Student does not allege Los Banos Unified is not implementing her placement at CALO, or that Los Banos Unified has provided Student prior written notice to discontinue her placement at CALO. Therefore, an actual dispute does not exist about Student's stay-put placement pending the completion of this due process matter. If a dispute does arise during the pendency of this matter, Student may file a request for

stay put with more specificity as to the nature of the dispute and the terms of stay put. Accordingly, the motion for stay put is denied.

ORDER

Student's motion for stay put is denied.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings