BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

NORWALK-LA MIRADA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026051095

ORDER DENYING MOTION FOR STAY PUT

JUNE 2, 2026

On May 26, 2026, Student filed a motion for stay put in the Nuffer Elementary School FAST program. On June 1, 2026, Norwalk-La Mirada Unified School District, called Norwalk-La Mirada filed an opposition on the ground that Student is matriculating from elementary school to middle school.

APPLICABLE LAW

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 "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 G. v. Vashon Island School Dist.* (9th Cir. 2003) 337 F.3d 1115, 1133-35, superseded by statute on other grounds, 20 U.S.C. § 1414(d)(1)(B).)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, taking into account the changed circumstances. (*R.F. Frankel v. Delano Union School District,* (E.D. Cal 2016) 224 F. Supp. 3d, 979, *citing, Van Scoy ex rel. Van Scoy v. San Luis Coastal Unified School Dist.* (C.D. Cal. 2005) 353 F.Supp.2d 1083, 1086.)

DISCUSSION

The dispute at issue in this stay put motion involves whether Norwalk-La Mirada can matriculate Student from his current fifth grade elementary school placement to a sixth-grade middle school placement on a different campus. Student objects to the change in school placement because Student is nonverbal, non-ambulatory, and requires a one-on-one aide at all times due to his medical fragility. Student has severe sensory processing issues and requires onsite specialized nursing, speech, vision, occupational and physical therapists. Student contends that the last agreed upon placement was agreed in the March 2, 2026, individualized education program, called

IEP, team meeting. Student contends that a transition IEP team meeting was held on May 6, 2026, and that meeting was explicitly left unfinished. Student argues that the middle school does not have all the necessary medical supports and services as the Nuffer Elementary School FAST program which is housed in the Joan Sander Memorial Unit and designed explicitly for severely disabled students.

Norwalk-La Mirada contends that the program and services in Student's last agreed upon and implemented IEP can be fully implemented in the proffered middle school program. Norwalk-La Mirada contends that it has not changed Student's services and programs and continues to offer the same functional academic skills training, called FAST program at the middle school level. Norwalk-La Mirada provided a declaration from the executive director of special education, a copy of the last signed and agreed upon March 2, 2026, IEP, and the May 6, 2026, addendum IEP. Norwalk-La Mirada contends that Student's services will continue to be:

- Group specialized academic instruction for 1,680 minutes per week in the FAST program;
- Intensive individual services for 1,785 minutes per week;
- Specialized orthopedic services for 20 minutes per month as consultation and collaboration;
- Group speech and language services for 20 minutes per week as push-in support;
- Health and nursing services for 15 minutes per month as consultation;
- Individual specialized vision services for 40 minutes per month;

- Group adapted physical education services for 40 minutes per week;
- Occupational therapy consultations services for 25 minutes per month;
- Physical therapy consultations services for 25 minutes per month; and
- Extend school year services.

When a student advances from elementary school to middle school, the stay put provisions entitles the student to receive a placement that most closely replicates the placement at the time the dispute began. The crux of Student's motion is that Student disagrees with being moved to the middle school because the elementary school FAST program is housed within the Joan Sandler Memorial Unit, not a disagreement about the FAST program. The proposed middle school placement in a FAST program, is the natural progression based on Student's age and grade level. A disagreement about matriculation does not entitle Student to remain in fifth grade at the elementary school.

ORDER

Student motion for stay put at Nuffer Elementary School is DENIED.

IT IS SO ORDERED.



Jessica Plitt
Administrative Law Judge
Office of Administrative Hearings