BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SIMI VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026010936

ORDER DENYING FIRST AND SECOND MOTIONS FOR STAY PUT

FEBRUARY 12, 2026

On January 27, 2026, Parent on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Simi Valley Unified School District, called Simi Valley. OAH designated this matter a dual case with both expedited and non-expedited issues.

On January 27, 2026, Student filed a motion called "Student's Urgent Notice of Stay Put Violation" construed as a motion for stay put. On January 30, 2026, Simi Valley filed opposition to Student's second stay put motion.

On February 6, 2026, Student filed "Student's Urgent Notice of Stay Put Violation and Request for Emergency Injunctive Relief" construed as Student's second motion for

stay put. On February 9, 2026, Student filed a supplementary declaration in support of his motions for stay put. On February 10, 2026, Simi Valley filed opposition to Student's second motion for stay put.

Student seeks an order from OAH in his first stay put request requiring Simi Valley to return Student to his classroom at Valley View Middle School. Student argues that the underlying disciplinary process that resulted in his removal from Valley View was fundamentally flawed. Further, Student maintains Student had been excluded from school beyond the 20-day maximum provided, and Simi Valley denied him a free appropriate public education, called FAPE. Consequently, Student contends he has a right to return to his school pending his expulsion. In Student's due process hearing request, Student argues he is entitled to stay put under the basis of knowledge theory.

In Student's second motion for stay put, Student argues he was excluded from school beyond the 20-day maximum, Simi Valley failed to hold the mandatory meeting with Parent, the manifestation determination meeting was procedurally legally incompliant, and his continued exclusion denied him a FAPE. Thus, Student alleges he has a right to return to Valley View Middle School.

Simi Valley contends Student is not a special education Student and not entitled to the protections of the Individuals with Disabilities Education Act, called IDEA. And, even if Student were entitled to the protections of the IDEA, he does not have the right to return to Valley View during the pendency of the expedited matter.

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).)

Here, Student has not established that he has an IEP which was consented to and implemented prior to this dispute arising. Therefore, on this basis, Student's stay put request is denied as he has not met his burden of proof.

STUDENT HAS NOT DEMONSTRATED SIMI VALLEY HAD A BASIS OF KNOWLEDGE FOR PURPOSES OF STAY PUT PROTECTION

However, for a student who has not yet been determined eligible for special education, stay put protections apply only if the student engaged in behaviors that violated a rule or code of conduct of the local educational agency, called LEA, and the LEA is deemed to have had a basis of knowledge that the student suffered from a disability before the occurrence of the behavior that prompted the disciplinary action. (20 U.S.C. § 1415(k)(5)(B).) The LEA is deemed to have had a basis of knowledge that a student was a student with a disability if any of the following occurred before the behavior that caused the disciplinary action:

1. the parent of the child has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child needs special education and related services;

2. the parent of the child has requested an evaluation of the child pursuant to 20 U.S.C. section 1414(a)(1)(B); or
3. the teacher of the child, or other personnel of the LEA, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education of such agency or to other supervisory personnel of the agency. (20 U.S.C. § 1415(k)(5)(B); 34 C.F.R. § 300.534(b).)

However, an LEA is deemed not to have knowledge that a student was a student with a disability if the child was assessed and determined not eligible for special education, or the special education assessment was not allowed or services were refused. (34 C.F.R. 300.534(b).)

Here, Student argues that the underlying disciplinary procedures were flawed, entitling him to stay put placement in his classroom at Valley View Middle School. However, any flawed disciplinary procedures are the subject of the expedited due process hearing and requires determination by analysis of the evidence admitted at that due process hearing.

Additionally, Student has not demonstrated that Simi Valley had a basis of knowledge that Student may have been eligible for special education and related services under the IDEA, and thus entitled to stay put protections. Student argues he has been excluded from his classroom for more than 20 days, under California Education Code, section 48911. However, that code section relates to general education disciplinary procedures, not special education stay put law.

Simi Valley contends that Student asked for an initial special education assessment but later revoked that consent. Under such circumstances, Simi Valley is

deemed not to have knowledge that Student was a child with a disability, under the IDEA. (20 U.S.C. § 1415(k)(5)(B); 34 C.F.R. § 300.534(b).)

Under the circumstances in this case, the determination that consent for assessment was revoked such that Simi Valley is deemed to not have a basis of knowledge is a disputed factual matter that must be proven by evidence presented during the due process hearing and not resolvable at this time.

For all the reasons stated above, Student has not met his burden of proof on this issue. Accordingly, Student's first and second motions for stay put are denied.

IT IS SO ORDERED

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings