BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

MOUNTAIN VIEW SCHOOL DISTRICT.

OAH CASE NUMBER 2025070937

ORDER DENYING MOTION FOR STAY PUT

AUGUST 4, 2025

On July 24, 2025, Parent on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Mountain View School District, called Mountain View. On July 24, 2025, Student filed a motion for stay put. On July 29, 2025, Mountain View filed an opposition to Student's stay put motion.

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 education

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).)

Student's stay put motion included a partial copy of Student's last agreed upon and implemented IEP dated March 11, 2025, as amended on April 8, 2025. Parent consented with exceptions to the March 11, 2025, IEP, as amended on April 8, 2025, on April 21, 2025. Student's stay put motion also included a declaration under penalty of perjury by Parent. Student argues his stay-put placement is at Ranch View Elementary School, and Parent was not aware Student's placement for the 2025-2026 school year would be at Creek View Elementary School, his school of residence. Student also contends he is entitled to 60 minutes daily pull-out specialized academic instruction and 1,950 minutes weekly intensive individual services, called a one-to-one aide. However, Student did not establish these services were implemented because they were not scheduled to start until the 2025-2026 school year, which has not yet started. Therefore, Student did not prove stay put placement is warranted.

Mountain View's opposition included a complete copy of Student's IEP for the 2024-2025 school year dated March 11, 2024, as amended on April 16, April 29, August 29, September 25, October 30, and November 19, 2024, and February 25, 2025. Mountain View's opposition also included a declaration under penalty of perjury by Jan Van Dyke, Director of Student Services. Mountain View placed Student in a special day class for students with mild to moderate disabilities at Ranch View Elementary during

the 2024-2025 school year because Student's school of residence, Creek View Elementary, did not have an appropriate special day class.

Mountain View convened Student's annual IEP team meeting on March 11, 2025, and completed it on April 8, 2025. The IEP changed Student's program for the remainder of the 2024-2025 school year as follows:

- placement in a special day class daily at Ranch View Elementary for 700 minutes weekly; and
- placement for the remainder of the school day in the general education setting with one-to-one aide support.

The IEP also included the following related services and supports:

- 1,650 minutes yearly pull-out individual speech and language services, delivered in 55, 30-minute sessions;
- 60 minutes weekly push-in occupational therapy services, delivered in twice weekly, 30-minute sessions;
- 450 minutes yearly push-in speech and language services, delivered in 30, 15-minute sessions; and
- extended school year services, including 1,200 minutes weekly specialized academic instruction, 20 minutes weekly individual speech and language services, and 30 minutes weekly group occupational therapy services.

Parent consented to the placement and services on April 21, 2025, and Mountain View began implementing these services.

At the April 8, 2025, IEP team meeting Mountain View also offered to increase Student's instructional time in the general education setting starting in the 2025-2025 school year as follows:

- placement in the general education setting with one-to-one aide support;
- 300 minutes weekly pull-out specialized academic instruction;
- 1,650 minutes yearly pull-out individual speech and language services, delivered in 55, 30-minute sessions;
- 60 minutes weekly push-in occupational therapy services, delivered in twice weekly, 30-minute sessions;
- 450 minutes yearly push-in speech and language sessions, delivered in 30, 15-minute sessions;
- extended school year services including 1,200 minutes weekly specialized academic instruction, 20 minutes weekly individual speech and language services, and 30 minutes weekly group occupational therapy services; and
- supplementary aids and services, including consultation been the school psychologist and Student's general education teacher and staff training on implementation of Student's alternative augmentative communication device.

Mountain View does not dispute that Student's last consented to and implemented placement is in a special day class at Ranch View Elementary for 700 minutes weekly, with the remainder of instruction in the general education setting with one-to-one aide support, together with speech and language services, occupational

therapy services, and supplementary aids and services described above. Mountain View agrees that Student's program and services will continue in Student's current educational placement. Accordingly, Student has not established a dispute exists. Therefore, Student's motion for stay put is denied.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings