

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CENTRAL UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026060511

ORDER DENYING MOTION FOR STAY PUT

JULY 7, 2026

On June 24, 2026, Student filed a motion for stay put. On June 26, 2026, District filed an opposition on multiple grounds. On June 29, 2026, Student filed a reply.

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 Board of Educ.* (6th Cir. 1990) 918 F.2d 618, 625, as informed by later federal definition of term “placement” in 34 C.F.R. § 300.116 (2006); see *N.W. ex rel. J.W. v. Boone County Board of Educ.* (6th Cir. 2014) 763 F.3d 611, 617.)

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 complains he received applied behavior analysis services from a non-district provider through other financial resources, in this Order called Behavior Provider, and District had allowed Behavior Provider to deliver its services to Student during his school day while on District’s campus. In spring 2026, District decided it would not allow non-district providers on its campuses and Student therefore could not continue to receive his services from Behavior Provider while he was at school.

Parent requested District instead offer Student similar one-to-one behavior aide service through a District provider as a special education support or service on his individualized education program, called an IEP. District declined but offered to conduct a functional behavior analysis assessment and to consider whether, how much, and what types of support Student required at school through an evaluation of his independence at school District called a special circumstances instructional assistance assessment. Both assessments will be completed and a meeting will be held to review them within 30 days of the start of the 2026-2027 school year.

Student filed a request for due process hearing on June 10, 2026, alleging District denied him a free appropriate public education, called FAPE, in a variety of ways, including by failing to offer appropriate placement and supports after Student’s transition to elementary school for transitional kindergarten, and by no longer permitting private behavior services on campuses beginning with the 2026-2027 school year, when Student will start kindergarten, and instead offering Student only 15 minutes

per day, or 60 minutes per week, of resource support program intervention in the general education setting.

Student requests OAH determine Student having one-to-one behavior support at school, whether through Behavior Provider or a District aide, was part of his last agreed-upon and implemented IEP dated September 9, 2025. Student provided OAH the September 9, 2025, IEP and the May 20, 2026, amendment IEP concerning the assessments of Student's behaviors and need for an aide. The September 9, 2025, IEP did not offer Student a one-to-one aide, and only offered "adult assistance for bathrooming" on an "as needed" basis daily. The September 9, 2025 IEP documented that as of September 9, 2025, Student received services from the Regional Center and applied behavior analysis from Behavior Provider, and he did not receive services from a probation department, county mental health, the Department of Social Services, or other agencies.

But such reference to those "Other Agency Services" did not make those Regional Center or Private Behavior services, even if delivered while Student was at school, IEP services to which Student had a "stay put" right under the IDEA and California Education Code while Student's case is pending with the Office of Administrative Hearings. Student can continue to receive his applied behavior analysis services from Behavior Provider off campus during the pendency of this case.

Two central disagreements of Student's complaint are whether District denied him a FAPE by failing to:

- assess him in all areas of need, including behavior, adaptive functioning, and need for adult support, and
- offer appropriate placement and supports, including a behavior aide.

Student requests:

- compensatory education for the denials of FAPE,
- assessments either by District or independent educational evaluators, and
- prospective changes to Student's IEP to include appropriate behavior supports and services.

These claims exist independently of Student previously having received services from Behavior Provider on campus during school hours.

Student's September 9, 2025, IEP did not offer Student a behavior aide, and Student challenges District's failure to offer a behavior aide as a denial of FAPE. Accordingly, Student's motion for stay put is denied.

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings