

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026070922

ORDER GRANTING MOTION FOR STAY PUT

AUGUST 7, 2026

On July 17, 2026, Student filed a Request for Due Process Hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming San Diego Unified School District. On July 23, 2026, Student filed a motion for stay put. OAH did not receive a response from San Diego Unified School District. San Diego Unified School District is called San Diego.

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).)

DISCUSSION

Student contends Student’s stay put placement is a general education classroom at Franklin Elementary, with supplemental support and related services as set forth in the March 3, 2026, IEP as partially consented to on March 5, 2026, excluding the non-consented placement offer. On May 6, 2026, San Diego issued a prior written notice advising Parents of a change in location of Student’s current school placement from Franklin Elementary to an Extensive Support Needs (ESN) program either at Normal Heights Elementary or Central Elementary School to implement services listed on Student’s last fully consented to Individualized Educational Program (IEP) dated July 28, 2022. Student argued that the July 28, 2022, IEP was never implemented because Parents privately placed Student in a general education preschool program for the 2022-2023 school year.

Student’s last agreed upon and implemented IEP is the March 3, 2026, IEP. Student has continuously attended general education at Franklin Elementary since he enrolled in the district in August 2023. The July 28, 2022, IEP was not implemented because Parents privately placed Student in a general education preschool program for the 2022-2023 school year. Student has never attended a moderate/severe ESN special

day class. When Student returned to San Diego in August 2023, San Diego implemented the consented to parts of his IEPs including, supplemental support, and related services in a general education classroom. Parents did not consent to San Diego's proposed placement in a moderate/severe ESN special day class, the provision of specialized academic instruction conditioned on that placement or the proposed behavior intervention plan. In the prior written notice dated May 6, 2026, San Diego seeks to change Student's placement from a general education class at one school to an ESN program at a different school within the district.

The purpose of stay-put is to maintain the status quo pending the final determination of a special education due process request. (*K.D. ex rel. C.L. v. Dept. of Educ. Hawaii* (9th Cir. 2011) 665 F. 3d 1110, 1120.) The status quo in this case is a general education placement at Franklin Elementary School with supplemental support and related services as set forth in the March 3, 2026, IEP as partially consented to on March 5, 2026.

ORDER

Student's request for stay put is granted. Student's special education placement and services pursuant to the Student's March 5, 2026, IEP, excluding the non-consented

placement offer shall continue in full force and effect pending resolution of the parties' dispute.

IT IS SO ORDERED.


Katherine Roe (Aug 7, 2026 15:05:25 PDT)

Katherine Roe

Administrative Law Judge

Office of Administrative Hearings