

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

SARATOGA UNION SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2026080228

ORDER DENYING MOTION FOR STAY PUT

AUGUST 31, 2026

On August 5, 2026, Saratoga Union School District filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming Student. On August 6, 2026, Student filed a request for stay put.

On August 10, 2026, Saratoga filed an opposition to Student's request. On August 13, 2026, Saratoga filed a motion to amend the complaint and an amended complaint. On August 13, 2026, Student filed a reply to Saratoga's opposition to his stay put request.

On August 21, 2026, OAH granted Saratoga's motion to amend the complaint. The hearing is scheduled to commence on September 15, 2026.

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).)

Student asserts his stay put placement during the pendency of this proceeding is at Foothill Elementary School, pursuant to a December 4, 2025 settlement agreement between the parties, attached as a copy to Student’s motion. Student contends stay put also includes a one-to-one registered behavior technician and board certified behavior analyst support, accommodations, and services provided at Foothill Elementary.

Saratoga asserts Student’s program and services will continue in Student’s current educational placement, at Foothill Elementary. However, Saratoga opposes Student’s specific request for a registered behavior technician. Saratoga contends Student’s last agreed-upon and consented to IEP is dated December 17, 2024, as amended on August 13, 2025, attached as a copy to Saratoga’s motion. Saratoga argues that Student is entitled to one-to-one behavioral aide support, but the specific qualification as a registered behavior technician is not a component of stay put.

In Student's reply to Saratoga's opposition, Student clarified that the references to a registered behavior technician or board certified behavior analyst were "shorthand" for Student's behavioral supports under his last agreed-upon and implemented IEP, not an attempt to add an unagreed credentialing requirement. Student further acknowledged that, because Saratoga stated that Student remains at Foothill Elementary, he is no longer requesting an affirmative order for stay put from OAH.

The parties agree that Student's last agreed-upon and implemented program and services will continue at Foothill Elementary. Student has not alleged that a dispute exists. If a dispute exists, Student may file a request for stay put as to the nature of the dispute and the terms of stay put. The motion for stay put is denied.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Jeanie Min". The script is cursive and fluid.

Jeanie Min

Administrative Law Judge

Office of Administrative Hearings