

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN MARCOS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026070477

ORDER DENYING REQUEST FOR INTERIM ORDER
REQUIRING IMMEDIATE INCREASED SPECIALIZED
ACADEMIC INSTRUCTION SERVICES

SEPTEMBER 1, 2026

On July 10, 2026, Parent, on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming San Marcos Unified School District as respondent. On August 10, 2026, Student filed a motion for an interim order for immediate implementation of 300 minutes yearly of specialized academic instruction. San Marcos opposed the motion on August 13, 2026 and Student replied to the opposition on August 14, 2026.

On August 26, Student withdrew the August 10, 2026, motion. Also on August 26, 2026, Student refiled a nearly identical motion. The motion was identical

except that it changed the requested order to implementation of 300 specialized academic instruction minutes per week, rather than 300 minutes per year as originally requested. San Marcos' response to the original motion pointed out this error in the specialized academic instruction level discussed. OAH has received no opposition to Student's second motion for an interim order requiring the increased specialized academic instruction.

Student has offered no legal authority allowing OAH to issue an interim order for increased services. Student's complaint does not raise an issue regarding inadequate specialized academic instruction. Nor does Student offer evidence of a previously agreed to, and implemented, IEP for which Student could request Stay Put. (20 U.S.C. § 1415(j); *L.M. v. Capistrano Unified Sch. Dist.* (9th Cir. 2009) 556 F.3d 900, 902; *N.E. by and through C.E. and P.E. v. Seattle Sch. Dist.* (9th Cir. 2016) 842 F. 3rd. 1093, 1096.) Student's request for an interim order increasing her specialized academic instruction to 300 minutes per week is denied.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings