

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

BUCKEYE UNION SCHOOL DISTRICT
AND VALLEY VIEW CHARTER MONTESSORI.

OAH CASE NUMBER 2026080390

ORDER DENYING MOTION FOR STAY PUT

SEPTEMBER 2, 2026

On August 10, 2026, Student filed a request for due process hearing, or complaint, with the Office of Administrative Hearings, called OAH, naming Buckeye Union School District and Valley View Charter Montessori, called Buckeye and Valley View. Also on August 10, 2026, Student filed a motion for stay put. On August 13, 2026, Buckeye and Valley View filed an opposition to the stay put motion. On August 17, 2026, Student filed a reply to Buckeye's and Valley View's opposition. On August 17, 2026, Buckeye and Valley View filed a response to Student's 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 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).)

Here, Student alleges his current educational placement is Valley View and Buckeye and Valley View have not assigned Student a class or confirmed his placement for the 2026-2027 school year. In support of this, Student included part of his March 16, 2026, IEP. However, that IEP does not support a finding that Student’s placement is Valley View. The March 16, 2026, IEP lists Student’s district of service as El Dorado County Office of Education and his school of attendance as drive-in speech services at Green Valley School. The portion of the IEP Student included does not list any services, although, the IEP team meeting notes indicate Student was offered speech and language services. Student further alleges his speech and language services were implemented at Valley View.

In Student’s reply to Buckeye’s and Valley View’s opposition, Student alleges there was an April 17, 2026, IEP team meeting, where Buckeye acknowledged Student’s enrollment at Valley View. Student also alleges Buckeye sent a prior written notice on April 17, 2026, that identified Buckeye as the local educational agency responsible for Student. However, Student did not include either of those documents in support of his motion for stay put.

Buckeye and Valley View allege that Valley View is a dependent charter school of Buckeye and although Student was accepted through the lottery system for enrollment in Valley View for the 2026-2027 school year, he never enrolled and Buckeye and Valley View have never implemented Student's IEP. Buckeye and Valley View included declarations from Buckeye's assistant superintendent and Buckeye's director of student services. Both declare that Student has never been enrolled in a Buckeye or Valley View school. Both also declare that El Dorado County Office of Education rented space at Valley View to provide speech and language services during the 2025-2026 school year. Both also allege that El Dorado County Office of Education provided speech services to Student on Valley View's campus but neither Buckeye nor Valley View staff provided Student any services. In support of this, Buckeye and Valley View included a purchase order that show El Dorado County Office of Education rented a room at Valley View from Buckeye and Valley View for the 2025-2026 school year.

Student did not establish that his current educational placement is Valley View. Therefore, the motion for stay put is denied.

ORDER

Student's request for stay put is denied.

Linda Dowd

Linda Dowd

Administrative Law Judge

Office of Administrative Hearings