

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:  
PARENTS ON BEHALF OF STUDENT,

v.

HAWTHORNE SCHOOL DISTRICT.  
OAH CASE NUMBER 2026080634

ORDER DENYING MOTION FOR STAY PUT

SEPTEMBER 2, 2026

On August 18, 2026, Student filed a motion for stay put. District has not filed a response.

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).)

Here, it appears from the allegations in Student's complaint and the statements in Parent's sworn declaration that Student's placement was changed because his intradistrict transfer was revoked, not because his IEP was changed. Parent has not authenticated any documents in her declaration. An email from Hawthorne School District to Parent, separately filed with OAH by Student, states that Hawthorne is able to fully implement Student's IEP at Student's home school. Student has not filed a copy of his current IEP or information sufficient to demonstrate that Student's IEP cannot be implemented by Hawthorne at his home school.

Accordingly, Student has not established that a dispute exists. The motion for stay put is denied.

IT IS SO ORDERED.

*Alexa Hohensee*

Alexa Hohensee

Administrative Law Judge

Office of Administrative Hearings