

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

DEL MAR UNION SCHOOL DISTRICT.
OAH CASE NUMBER 2026080490

ORDER DENYING MOTION FOR STAY PUT

SEPTEMBER 10, 2026

On August 31, 2026, Student filed a motion for stay put. On September 2, 2026, Del Mar filed a statement of non-opposition to the motion, clarifying an additional element of the March 17, 2025 individual educational program, called IEP, that the parties otherwise agree constitutes Student's stay put IEP. Thereafter, on September 3, 2026, Student filed a reply to Del Mar's non-opposition, further clarifying the elements that made up the March 17, 2025 IEP.

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

Stay put is automatic and an order is required only if there is a dispute as to what constitutes the stay put placement. Here, there a lack of dispute between the parties regarding the March 17, 2025 IEP as the stay put program for Student.

Del Mar’s non-opposition agreed with Student that the March 17, 2026 IEP constitutes stay put, but clarified that the March 17, 2025 IEP includes an amendment dated November 17, 2025, that extends additional accommodations to Student. Del Mar also asserts in its non-opposition papers that it has continued to implement the totality of the March 17, 2025 IEP, inclusive of the November 17, 2025 amendment.

In turn, Student’s Reply agreed with Del Mar regarding the November 17, 2025 amendment and further clarified that the March 17, 2025 IEP also included an IEP amendment, dated April 7, 2025, that provided additional modifications to Student’s program. Student’s reply attached the complete IEP for the three different dates as an exhibit. The IEPs for each of the three days were signed by all necessary parties without written reservation. As such, it is found that each of the three IEPs make up the totality of Student’s stay put program.

Given the parties' agreement that the March 17, 2025 IEP, along with the April 7, 2025 and November 17, 2025 IEP amendments, are Student's stay put program, along with the finding that the 3 IEPs were fully agreed to, there is no dispute between the parties as to Student's stay put program. As such, Student's motion for stay put is denied without prejudice.

ORDER

Student's motion for stay put is denied without prejudice.

IT IS SO ORDERED.

Ted Mann

Ted Mann

Administrative Law Judge

Office of Administrative Hearings