

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

NEWPORT-MESA UNIFIED SCHOOL DISTRICT AND IRVINE
UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026090301

ORDER DENYING MOTION FOR STAY PUT

SEPTEMBER 22, 2026

On September 8, 2026, Student filed a motion for stay put. Student's three-page motion alleged Student's operative individual education program, IEP, is March 25, 2025. As separate documents, Student included two IEPs, one dated February 5, 2026, and one dated March 26, 2025. Neither IEP provided by Student is consented to or signed. On September 21, 2026, Student filed an application for immediate ruling on Student's pending motion for stay put.

Irvine Unified School District filed an opposition to Student's motion for stay put on September 22, 2026. Newport-Mesa did not file a response to Student's motion for stay put and subsequent request for immediate ruling.

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

Student failed to support his motion for stay put with a copy of his last agreed upon and implemented IEP or a sworn statement supporting the allegations in his motion. As such, Student failed to meet his burden of proof.

The motion for stay put is denied without prejudice. Student may submit a new motion for stay put with the necessary evidence to support his request.

IT IS SO ORDERED.

Tiffany Gilmartin

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Administrative Law Judge

Office of Administrative Hearings