

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

CHINO VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026090567

ORDER DENYING MOTION FOR STAY PUT

SEPTEMBER 22, 2026

On September 16, 2026, Student filed a motion for stay put. On September 17, 2026, Chino Valley Unified School District, called Chino Unified, filed an opposition on the ground Student's placement had not been changed, and Student was subject to a five-day suspension, which was his only disciplinary removal in the 2026-2027 school year.

On September 22, 2026, Student filed a reply, conceding that Student has returned to school after suspension, but contending that Student is being denied a free appropriate public education, called a FAPE.

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.)

When a child violates the student conduct code and school personnel seek a placement change exceeding ten school days, the local educational agency, the parent, and the relevant IEP team members shall determine if the conduct was a manifestation of the child’s disability. A child’s parent may appeal the manifestation determination and request an expedited due process hearing. In such cases, the State or local education agency must arrange for an expedited hearing. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c).)

The expedited hearing shall occur within 20 school days of the hearing request. (20 U.S.C. § 1415(k); 34 C.F.R. § 300.532.) While the appeal is pending, the child must remain in the interim alternative educational setting, often called IAES, pending the hearing officer’s decision or until IAES placement expires after 45 school days, whichever is first, unless the parent and the local education agency agree otherwise. (Ed. Code, § 56505, subd. (d); see 20 U.S.C. §1415(k)(4)(A) & 34 C.F.R. §§ 300.532, 300.533.)

Here, Chino Unified provided a sworn declaration from its Director of Special Education pledging that Student’s program and services are and will continue in Student’s current educational placement. Student was suspended for five school days, from September 14 through 18, 2026, and scheduled to return on September 21, 2026. This has been his only disciplinary removal during the 2026-2027 school year. According to Parent’s sworn declaration on reply, Student did return to school on September 21, 2026.

An expedited hearing is scheduled to begin October 6, 2026, at which Student may raise any remaining disciplinary claims. A non-expedited hearing is scheduled to begin November 3, 2026, to hear Student's FAPE claims.

Student has not alleged that a placement dispute exists, only that Student was suspended for five days. If a placement dispute exists, Student may file a request for stay put with more specificity as to the nature of the dispute and the terms of stay put.

The motion for stay put is denied.

IT IS SO ORDERED.

Alexa Hohensee

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Administrative Law Judge

Office of Administrative Hearings