

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

V.

MORGAN HILL UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026090491

ORDER DENYING MOTION FOR STAY PUT WITHOUT
PREJUDICE

SEPTEMBER 23, 2026

On September 14, 2026, Student filed a motion for stay put. Student requested the Office of Administrative Hearings, called OAH, order the licensed vocational nurse service in the December 11, 2024, and subsequent IEPs, remain for the pendency of this litigation. Student represented Morgan Hill Unified School District, called Morgan Hill, implemented the licensed vocational nurse service for several years. Morgan did not file 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 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).)

Student referenced several IEPs throughout the motion but did not include them as exhibits to the motion. Without evidence as to what was the last agreed upon and implemented IEP, OAH cannot order stay put. The stay put motion is denied without prejudice. Should a stay put motion be refiled, Student shall state clearly under which IEP stay put is sought, and include a copy of the relevant IEP or documentation.

ORDER

The stay put motion is denied without prejudice.

Sabrina Kong

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Administrative Law Judge

Office of Administrative Hearings