

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

COMPTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026080647

ORDER DENYING MOTION FOR STAY PUT

SEPTEMBER 28, 2026

On September 15, 2026, Student filed a motion for stay put. On September 18, 2026, Compton Unified School District, called Compton, filed an opposition. Student filed a response to Compton's opposition and supplement to the motion for stay put on September 21, 2026.

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).)

Stay put does not apply when a child transitions from an early education program to a special education program upon turning three. (Ed. Code, § 56505, subd. (d); see 34 C.F.R. § 300.518(c).)

DISCUSSION

Student turned three years old in August 2026. He was a client of a Regional Center and received early intervention services under Part C, including feeding therapy and speech therapy services. Student entered the Compton Unified School District for the first time in August 2026. A diagnostic IEP team meeting was held the first day of school, August 13, 2026. Parent was provided an assessment plan and offered an interim placement in a special day class. Parent requested that Student be evaluated in the general education setting and did not agree to the interim placement.

Compton contends that it made a full-day general education preschool program available to Student on an interim, non-IEP basis while assessments are completed and the IEP team can determine eligibility, services and placement.

Student argues that if there is a dispute regarding what constitutes stay put prior to a Student entering school, the default least restrictive placement should be general education. Student requests that OAH determine and order the appropriate "stay-put"

placement for Student. Compton contends that the general education interim placement has not been withdrawn and that no dispute exists.

Compton argues that Student has never attended a district program nor is there an implemented IEP. Compton does not dispute that Student may attend a public school program while the matter is pending and has made a full-day general education preschool program available on an interim basis.

The issue of an appropriate placement for a Student without an IEP is a mixed issue of law and fact, to be determined in a due process hearing. Stay put applies in situations where the Student has consented to and implemented IEP. That is not the case here. Student is a three-year old child transitioning from an early education program to a special education program upon turning three. Student provided no legal authority supporting that stay put applies when a child transitions from an early education program to a special education program upon turning three. Further, if the child is no longer eligible for Part C services because the child has turned three, the public agency is not required to provide the Part C services the child had been receiving. (Ed. Code, § 56505, subd. (d); see 34 C.F.R. § 300.518(c).) Student's motion for stay put is denied.

Regarding Student's contention that payment was demanded from Parents as a condition to enrollment, and Student's additional demands that OAH order Compton to produce admission and enrollment information for the district general education program, administrative enrollment matters are not within the scope of this stay put motion and are not addressed herein.

ORDER

Student's motion for stay put is denied.

IT IS SO ORDERED.

Katherine Roe
Katherine Roe (Sep 29, 2026 15:08:23 PDT)

Katherine Roe

Administrative Law Judge

Office of Administrative Hearings