BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

MT. DIABLO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025121102

ORDER DENYING MOTION FOR STAY PUT

FEBRUARY 23, 2026

On December 30, 2025, Student filed a request for due process with the Office of Administrative Hearings, called OAH, naming Mount Diablo Unified School District, called Mt. Diablo, as respondent. On January 12, 2026, Student filed a motion for Stay Put. On January 21, 2026, OAH denied the motion but permitted Student to file a renewed motion with additional information. On February 2, 2026, Student filed a renewed motion for stay put. On February 5, 2026, Mt. Diablo opposed the motion.

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).)

Courts have recognized, however, that the status quo cannot always be replicated exactly for purposes of stay put. (*Ms. S. ex rel. G. v. Vashon Island School Dist.* (9th Cir. 2003) 337 F.3d 1115, 1133-35, superseded by statute on other grounds, 20 U.S.C. § 1414(d)(1)(B).) When a student advances from grade to grade, the stay-put provision entitles the student to receive a placement that, as closely as possible, replicates the placement that existed at the time the dispute arose, taking into account the changed circumstances. (*R.F. Frankel v. Delano Union School District,* (E.D. Cal 2016) 224 F. Supp. 3d, 979, *citing, Van Scoy ex rel. Van Scoy v. San Luis Coastal Unified School Dist.* (C.D. Cal. 2005) 353 F.Supp.2d 1083, 1086.)

Here, there is no dispute that Student's June 21, 2024 IEP, and the autism magnet program it offered, is Student's last consented-to and implemented IEP.

The June 21, 2024, IEP offered placement in a regular classroom and extracurricular and non-academic activities for 84 percent of the school day. For the remaining 16 percent of the school day, the IEP offered social skills and study skills support provided through a period of academic success, as well as speech and language services and occupational therapy. The one period of academic success, meant to focus on social skills, executive functioning skills, and academic goals, was provided in the autism magnet program. Mt. Diablo's magnet program is one of four types of autism

specific special day class programs, with the magnet program being the least intensive of the four.

During the 2024-2025 school year, eighth grade, Student attended the autism magnet program at Foothill Middle School. Student alleges that, for the 2025-2026 school year, ninth grade, Student's stay put placement should be Northgate High School, based upon Student's matriculation to high school at that being Parent's preferred high school. Student has never attended Northgate High School.

Mt. Diablo established that Northgate High School no longer has the autism specific magnet program called for in Student's IEP. Mt. Diablo is not able to provide Student's IEP at Northgate High School but can implement Student's IEP at a different school site. Student failed to establish that a dispute exists regarding Mt. Diablo's ability to implement the June 21, 2024, IEP at a site other than Northgate High School.

Student's motion for stay put placement at Northgate High School is denied.

IT IS SO ORDERED.

Claire Yazigi

Claire Yazigi
Administrative Law Judge
Office of Administrative Hearings