BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

SWEETWATER UNION HIGH SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025120840

ORDER DENYING MOTION FOR STAY PUT

JANUARY 8, 2026

On December 19, 2025, Sweetwater Union High School District, called Sweetwater, filed with the Office of Administrative Hearings, called OAH, a request for due process hearing, naming Student. On December 31, 2025, Student filed a motion for stay put. On January 5, 2026, Sweetwater filed an opposition.

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.)

Student seeks an order that Sweetwater not implement the August 4, 2025 IEP, to which Parent has not consented. Student contends that his operative IEP is dated September 6, 2022. Attached to the copy of the IEP submitted by Student as Exhibit A is the September 6, 2022 IEP, as amended on September 21, 2022. Student bases his motion on an email sent to him by Sweetwater with the August 4, 2025 IEP attached as the "current IEP 2025."

Sweetwater's opposition is supported by the sworn declaration of its Director of Special Services. Its Director states that Sweetwater is not implementing the August 4, 2025 IEP because Parent has not consented to it, and the attachment title "current IEP 2025" simply referred to Sweetwater's current IEP offer. It notes Parent has given partial consent to amendments to the September 6, 2022 IEP, dated December 13, 2023, and September 3, 2024, and Sweetwater is implementing the September 6, 2022 IEP, with the limited amendments to the accommodations and services to which Parent has given consent.

Sweetwater provided a sworn declaration pledging that Student's program and services will continue in Student's current educational placement, as they existed prior to the August 4, 2025 IEP. Student's evidence that he was sent the August 4, 2025 IEP in an email attachment with the casual title of "current IEP 2025" does not establish that there is a dispute regarding implementation of that IEP. If a 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.

Student's motion for stay put is denied.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings