BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

BONITA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026050488

ORDER DENYING MOTION FOR STAY PUT

JUNE 1, 2026

On May 11, 2026, Student filed a motion for stay put. On May 14, 2026, Bonita Unified School District filed an opposition to the motion. On the same day, Student filed a reply to Bonita's 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.)

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).)

The last agreed-upon and implemented IEP is dated May 6, 2025. Bonita submitted a copy of the signed IEP. The May 6, 2025 IEP includes several "other supports" for Student, including "access to phone for calendar, journal, and time use" on a daily basis, per enrolled class or program, at the school site.

Student contends Bonita is not implementing this support appropriately. Student argues Bonita has unilaterally restricted this support by requiring Student to seek staff permission prior to using the phone. Student argues Bonita has stored the phone in a designated location, limited phone use to designated instructional times, and monitored text messages. Student also contends Bonita implemented a "Student behavior contract" or "phone contract" dated April 20, 2026, restricting phone use and imposing eight days of removal. Student contends he should be given full, unrestricted phone access pursuant to the May 6, 2025 IEP. Student requests Bonita be ordered to cease any restrictions on Student's phone accommodation and make available a phone for Student to have on his person at all times, without requiring staff permission.

The May 6, 2025 IEP provides only for access to a phone to use for the calendar, journal, and time use on a daily basis, per enrolled class or program. It does not specify that phone access shall be full-time or without any restrictions. Student's request to always have a phone on his person and have full, unrestricted phone access and use is seeking a determination that would change the plain language of the May 6, 2025 IEP.

Moreover, stay put is intended to preserve the status quo during a dispute. Student's complaint alleges, in part, that Bonita materially failed to implement the phone accommodation in Student's IEP, in that Bonita did not provide unrestricted access to a phone. The requested relief in Student's stay put motion effectively requests OAH to resolve this issue.

Student's motion is denied. Nothing in this Order is determinative of the issue Student intends to bring to hearing.

IT IS SO ORDERED.

Jeanie Min

Jeanie Min
Administrative Law Judge
Office of Administrative Hearings