BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

GLENDALE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025120710

ORDER GRANTING REQUEST FOR RECONSIDERATION AND DENYING REQUEST FOR STAY PUT

FEBRUARY 25, 2026

On February 12, 2026, the Office of Administrative Hearings, called OAH, issued an order denying Student's motion for stay put. On February 18, 2026, at 6:51 AM, Student filed a motion for reconsideration of denial for stay put. Thereafter, on February 18, 2026, OAH issued a Decision in this expedited matter, determining that Glendale Unified School District did not fail to hold a manifestation determination review meeting for disciplinary removals occurring during the 2025-2026 school year. OAH has not received a response from Glendale as of the time of issuing this order.

Student's December 17, 2025, due process hearing request contained expedited and non-expedited hearing claims. OAH set the expedited and non-expedited matters

for separate hearings. On December 23, 2025, OAH issued an Order determining the non-expedited issues in the due process complaint insufficient, vacated the non-expedited hearing dates, and granted Student leave to amend. Student did not timely file an amended complaint.

RECONSIDERATION

OAH will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time, generally within 10 days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

Student offers new facts, circumstances or law, to support reconsideration. The motion for reconsideration is granted.

ON RECONSIDERATION STUDENT IS NOT ENTITLED TO STAY PUT

Until due process hearing procedures are complete, a student eligible for special education services is entitled to remain in the student's current educational placement, unless the parties agree otherwise, except as provided in 20 U.S.C. § 1415(k)(4). (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. (*L.M. v. Capistrano Unified Sch. Dist.*, (9th Cir. 2009) 556 F.3d 900, 902.)

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).)

When school personnel seek a placement change exceeding 10 school days because a student violates school code of conduct, the local educational agency, the parent, and the relevant IEP team members shall determine if the conduct was a manifestation of the child's disability. A parent of a child with a disability may appeal any decision regarding a student's placement under 34 Code of Federal Regulations, parts 300.530 and 300.531, including a decision not to hold a manifestation determination review under part 300.530(e), by requesting an expedited due process hearing. (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. 300.532(a) & (c).) In such cases, "the State or local education agency shall arrange for an expedited hearing." (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c).) While the appeal is pending, the child shall remain in the interim alternative educational setting pending the hearing officer's decision or until the interim placement expires after 45 school days, whichever is first, unless the parent and the local education agency agree otherwise. (Ed.Code, § 56505, subd. (d); see 20 U.S.C. §1415(k)(4)(A) & 34 C.F.R. §§ 300.532, 300.533.)

For a student who has not yet been determined eligible for special education, the right to a manifestation determination applies only if school personnel removed the student because of behavior that violated the code of conduct of the local education agency and the local educational agency had a basis of knowledge that the student had a disability before the behavior prompting the disciplinary action occurred. (20 U.S.C. § 1415(k)(5).) The local educational agency had a basis of knowledge that a student was a student with a disability before the behavior occurred if:

- The parent of the child has expressed concern in writing to supervisors or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;
- The parent of the child has requested an evaluation of the child pursuant to 20 U.S.C. § 1414(a)(1)(B); or
- The teacher of the child, or other personnel of the local educational agency, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education of such agency or to other supervisory personnel of the agency.

(20 U.S.C. § 1415(k)(5)(B); 34 C.F.R. § 300.534(b).)

However, there are statutory exceptions. The local educational agency shall not be deemed to have knowledge that the child is a child with a disability if:

- The parent of the child has not allowed an evaluation of the child pursuant to 20 U.S.C. § 1414(a)(1)(D);
- The parent of the child has refused special education and related services; or
- The child has been evaluated and it was determined that the child was not a child with a disability under the Individuals with Disabilities Education Act, referred to as IDEA.

(20 U.S.C. § 1415(k)(5)(C); 34 C.F.R. § 300.534(c).)

Under the IDEA, decisions issued after an administrative due process hearing are final decisions. A party disagreeing with the administrative decision may appeal it to a court within 90 days from when the decision was issued. (Ed. Code, § 56505 subd. (k).) Once a decision is issued, OAH does not have jurisdiction over the case.

Here, Student contends he is entitled to stay put, and cites 34 Code of Federal Regulations, part 300.532 for his argument that Glendale's disenrollment of Student constituted an automatic change of placement. Student further asserts that by disenrolling Student, Glendale denied Student a timely manifestation determination review and prevented the creation of an IEP, and thus, Student is entitled to stay put. Student's arguments are not persuasive.

Student failed to establish that under 34 Code of Federal Regulations, part 300.532 a student's disenrollment constitutes a change a placement entitling the student to stay put. The plain language of part 300.532 addresses appeal procedures and rights regarding a child with a disability, not stay put rights or disenrollment. Moreover, Student failed to offer any persuasive evidence or legal authority that Student's disenrollment was a disciplinary change of placement that triggered a right to stay put. Indeed, the expedited Decision issued in this case on February 18, 2026, determined that Student's disenrollment was not a result of Student's conduct, but due to a residency issue.

Student also failed to persuasively address any of the reasons for which Student's original motion for stay put was denied, pursuant to OAH's February 13, 2026, Order, namely:

- Student failed to establish that where, as here, a dispute exists regarding a school district's "basis of knowledge" that a student has a disability, due to alleged refusals by a parent of assessment requests, a student is entitled to a stay-put placement.

- Student offered no legal authority that reconciles the exception under 20 U.S.C. § 1415(k)(4), which allows a student to remain in an interim

alternative educational setting, and Student's assertion that he has a right to remain in a stay put placement within Glendale. Student's motion for reconsideration also failed to specifically identify what he alleges is his stay-put placement within Glendale.

- Student failed to offer any persuasive legal authority or evidence that Student had a specific special education placement to be maintained during the pendency of the due process hearing, given that Student was not eligible for special education and did not have an operative IEP.

Finally, even assuming, for the sake of argument, Student had established he had a specific special education placement to be maintained, stay put would not apply in this case because the hearing is no longer pending. For all these reasons, on reconsideration, Student's motion for stay put is denied.

ORDER

On reconsideration, the motion for stay put is denied.

Daniel Senter

Daniel Senter
Administrative Law Judge
Office of Administrative Hearings