BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

FREMONT UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2025070664

ORDER DENYING MOTION FOR STAY PUT WITHOUT PREJUDICE

SEPTEMBER 19, 2025

On September 12, 2025, Student filed a motion for stay put arguing that the Office of Administrative Hearings should order the last agreed upon individualized education program, called IEP, be Student's stay put during the pendency of this litigation. Freemont Unified School District opposed the motion arguing Student failed to submit evidence of the operative IEP at issue in Student's motion.

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).)

DISCUSSION

Student failed to file the last agreed upon individualized education program as an exhibit to this motion. Thus, OAH does not have the evidence necessary to decide Student's motion at this time. Accordingly, Student's motion for stay put is denied without prejudice. This ruling does not preclude Student from refiling this motion with the relevant evidence to support the motion.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings