BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025111067

ORDER DENYING MOTION FOR STAY PUT

DECEMBER 29, 2025

On December 2, 2025, Parent on behalf of Student filed a "Motion for an Interim Temporary Placement." Student asserts in his motion that he did not wish to invoke stay put, but also did not wish to return to Fairmont Elementary School, the placement offered by Placentia-Yorba Linda Unified School District in the individualized education program, called IEP, dated October 7, 2025. Student's due process hearing request, as amended on December 29, 2025, challenges the appropriateness of the October 7, 2025 IEP offer, including placement.

Parent unilaterally placed Student to receive instruction at home because of Parent's concerns with the October 7, 2025 IEP's offered placement. Student's motion for an interim temporary placement seeks an Order for Student to receive home-based

instruction with related services pending the resolution of this due process matter. Accordingly, the motion is treated as a motion for stay put.

On December 24, 2025, Placentia-Yorba Linda Unified filed a response to the motion for stay put. Placentia-Yorba Linda Unified contends Student's home instruction program is not an agreed upon implemented program for purposes of stay put. Rather, the October 7, 2025 IEP offered placement in special day class for students with moderate to severe disabilities on a comprehensive campus, with speech and language services, program accommodations, and modifications. Placentia-Yorba Linda Unified has not agreed to implement a home-based program for Student.

On December 24, 2025, Student filed a reply to Placentia-Yorba Linda Unified's response. In reply, Student asserts that Parent would consider an interim placement agreed to by Placentia-Yorba Linda Unified pending the resolution of this case.

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 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 October 7, 2025 IEP did not offer a home-based program, and Student's current home-based instruction is not the last agreed upon and implemented program.

Therefore, the motion for stay put seeking an order that Placentia-Yorba Linda Unified implement a home-based program while this case is pending is denied.

ORDER

Student's Motion for an Interim Temporary Placement treated as a Motion for Stay Put is denied.

Rommel P. Cruz

Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings