BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS BANOS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025060740

ORDER DENYING MOTION FOR STAY PUT

JUNE 25, 2025

On June 19, 2025, Parents on behalf of Student filed a motion for stay put seeking continued placement of her current program at Change Academy at the Lake of the Ozarks, referred to as CALO. On June 24, 2025, Los Banos Unified School District filed an opposition contending an order for stay put is not necessary because the last agreed upon and implemented program at CALO is not disputed by the parties, and is being implemented by Los Banos Unified. Student filed a response on June 25, 2025.

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 the 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).)

Student contends a dispute exists regarding her stay put placement beyond August 15, 2025, because Los Banos Unified's contract with CALO for Student's program expires on August 15, 2025, and Los Banos Unified has yet to extend the contract. However, Los Banos Unified represents in its opposition that it will continue to implement Student's program at CALO. Further, Student does not allege Los Banos Unified is not implementing her placement at CALO, or that Los Banos Unified has provided Student prior written notice to discontinue her placement at CALO. Therefore, an actual dispute does not exist about Student's stay put placement pending the completion of this due process matter. If a dispute does arise during the pendency of this matter, Student may file a request for stay put with more specificity as to the nature of the dispute and the terms of stay put. Accordingly, the motion for stay put is denied.

ORDER

Student's Motion for Stay Put is denied.

Rommel P. Cruz

Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings