BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026060287

ORDER GRANTING MOTION FOR STAY PUT

JUNE 15, 2026

On June 4, 2026, Parent on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Los Angeles Unified School District, called Los Angeles. On June 5, 2026, Student filed a motion for stay put.

Student contends that he is entitled to placement and comparable services to his last agreed upon and implemented individualized education program, called IEP, dated April 30, 2026. Student's stay put motion seeks an order requiring Los Angeles to implement Student's April 30, 2026, IEP, including implementation of Student's related services, in a collaborative general education classroom, pending completion of the due process hearing.

On June 11, 2026, Los Angeles Unified filed an opposition to Student's stay put motion. Los Angeles Unified argues it will not offer the pilot program called Kindergarten Collaborative Classroom program for other grades besides kindergarten at Canoga Park for the 2026-2027 school year. Los Angeles argues that the status quo is being disrupted by Student's aging out of kindergarten into first grade where no similar program exists.

On June 11, 2026, Student filed a reply to Los Angeles's opposition. Student argues that the proposed placement in a special day class where Student will be exposed to his general education peers 49 percent of the school day is not comparable to his current placement. In his current placement, Student is educated with his general education peers for 100 percent of the school day, except for pullout services for language and speech and occupational therapy.

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 purpose of stay put is to maintain the status quo and prevent a school district from unilaterally denying placement to a student while a dispute over the placement is being resolved. (*Van Scoy ex rel. Van Scoy v. San Luis Coastal Unified School Dist.* (C.D. Cal. January 2005) 353 F.Supp.2d 1083, 1086 (*Van Scoy*).) Courts have recognized, however, that the status quo cannot always be replicated exactly for purposes of stay put. (*Ms. S. ex rel. G. v. Vashon Island School Dist.* (9th Cir. 2003) 337 F.3d 1115, 1133-35, superseded by statute on other grounds, 20 U.S.C. § 1414(d)(1)(B).) When a student advances from grade to grade, the stay-put provision entitles the student to receive a placement that, as closely as possible, replicates the placement that existed at the time the dispute arose, considering the changed circumstances. (*R.F. Frankel v. Delano Union School District,* (E.D. Cal 2016) 224 F. Supp. 3d, 979, *citing, Van Scoy , supra,* 353 F.Supp.2d at p. 1086.)

The parties do not dispute that Student's April 30, 2026, was his last agreed upon and implemented IEP. They also do not dispute that during the 2025-2026 school year Student attended kindergarten in a general education pilot program at Canoga Park elementary school designated as the "Kindergarten Collaborative Classroom."

The April 28, 2026, IEP offered Student the following related services:

- 30 minutes weekly individual occupational therapy;
- 30 minutes weekly small group occupational therapy;
- 30 minutes weekly individual language and speech;
- 30 minutes weekly small group language and speech;
- 1,800 minutes weekly behavior intervention implementation;
- 360 minutes monthly behavior intervention development;
- extended school year services comprised of 1,350 minutes weekly behavior intervention implementation, 260 minutes behavior intervention

development; 80 minutes individual and small group occupational therapy delivered over four weeks; and 120 minutes individual and small group language and speech service delivered over four weeks; and

- home to school transportation.

The April 30, 2026, IEP provided Student would spend 97 percent of the school day in the general education setting.

In an IEP dated May 6, 2026, as continued to May 28, 2026, Los Angeles Unified proposed to change Student's placement at the start of the 2026-2027 school year to a special day class for the regular and extended school years. Student would spend 49 percent of the school day in the general education setting. The May 6, 2026, IEP offered Student the same related services, including the frequency, duration, and location as the April 30, 2026, IEP.

Parent did not consent to the May 6, 2026, IEP.

Los Angeles argues that Student is matriculating to the next grade and a program similar to the Kindergarten Collaborative Classroom program is no longer available to Student. Although Los Angeles contends that it cannot offer a collaborative placement for the 2026-2027 school year, Los Angeles is silent as how its placement offer in a special day class setting is comparable to Student's current general education placement.

Cases in which the courts have found a changed circumstance generally involve situations where maintaining the status quo is illogical such as when a student matriculates to the next grade, unreasonable as with a school closure, or outside of the local education agency's control such as when a non-public school refuses to keep a student. If the status quo cannot be maintained for stay put purposes, *Van Scoy*

requires that a school district provide a placement that "as closely as possible, replicates the placement that existed at the time the dispute arose." (*Van Scoy , supra,* 353 F.Supp.2d at p. 1086.) Accordingly, Student's stay put motion is granted.

Los Angeles is required to provide placement as closely as possible that replicates the placement as stated in the April 30, 2026, IEP offer. Nothing in this order prevents Student from asserting that the specific placement offered is not comparable to his last agreed upon and implemented placement, as stated in the April 30, 2026, IEP, for stay put purposes.

ORDER

1. Student's stay put motion is granted.
2. Los Angeles is ordered to offer Student a placement that as closely as possible replicates the placement as stated in the April 30, 2026, IEP and implement Student's special education related services until completion of the due process proceeding.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings