BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MENIFEE UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2025080693

ORDER GRANTING MOTION FOR STAY PUT

SEPTEMBER 10, 2025

On August 15, 2025, Student filed a request for due process with the Office of Administrative Hearings, called OAH, naming Menifee Union School District. On August 19, 2025, Student filed a motion for stay put. On August 22, 2025, Menifee filed an opposition to the motion on the grounds that Student's educational placement no longer existed at Evans Ranch Elementary School.

Student asserts stay put should be a special day classroom at Evans Ranch. Menifee argues that it closed one of three special education classrooms at Evans Ranch, which was Student's class, and that, as Student's class is no longer available at Evans Ranch, Student's special education program can be implemented at Chester W. Morrison Elementary School.

On September 4, 2025, the undersigned Administrative Law Judge asked Menifee for additional information regarding the two remaining special education classrooms operated at Evans Ranch, and why the special education classroom at Chester Morrison is appropriate, while the special education classrooms at Evans Ranch are not. On September 8, 2025, Menifee filed its response but did not explain why Student's special education program could not be implemented at either of the remaining special education classrooms at Evans Ranch.

Until due process hearing procedures are complete, a special education student is entitled to remain in his 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." 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. ex rel. Sam M. v. Capistrano Unified Sch. Dist.* (9th Cir. 2009) 556 F.3d 900, 902; *Johnson v. Special Educ. Hearing Office* (9th Cir. 2002) 287 F.3d 1176, 1180; *Thomas v. Cincinnati Bd. of Educ.* (6th Cir. 1990) 918 F.2d 618, 625.) The definition of educational placement is not an exact one, rather it is a combination of different factors. (*Johnson*, 287 F.3d at 1182.) 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 pending the final determination of a special education due process request. (*K.D. ex rel. C.L. v. Dept. of Educ. Hawaii* (9th Cir. 2011) 665 F. 3d 1110, 1120.) However, courts have recognized 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 the services or placement previously offered to Student become unavailable, such as a school closure, Student must be offered a comparable program. (*S.A. ex rel. L.A. v. Exeter Union School District* 2010 WL 4942539, No. CV F 10-347 LJO SMS, Nov. 24, 2010, p. 18; see also *Tilton by Richards v. Jefferson County Bd. of Educ.* (6th Cir. 1983) 705 F.2d 800, 805.)

Student and Menifee agree that Student's last agreed to and implemented IEP is dated December 13, 2024. Menifee asserts that the December 13, 2024 IEP was amended on March 12, 2025, which Student disputes. Both parties submitted a copy of the December 13, 2024 IEP, neither of which contained a reference to a March 2025 amendment. Pursuant to the December 2024 IEP, Student attended a special day class at Evans Ranch and received specialized academic instruction, speech and language services, and occupational therapy.

Student's current educational placement is a special day class at Evans Ranch. On June 5, 2025, Menifee closed Student's special education class at Evans Ranch. Typically, when a student's placement becomes unavailable, such as a closure, the student must be offered a comparable placement. Although Student's specific special day class closed, Student's placement is not unavailable, as two other special education classrooms for students in second grade through fifth grade exist at Evans Ranch. Menifee did not explain how the other special education classrooms at Evans Ranch did not constitute the same setting as Student's current educational placement. Status quo can be maintained at Student's IEP placement, Evans Ranch.

Student's request for stay put is granted. Pending the outcome of the underlying request for due process, Student is entitled to implementation of the December 13, 2024 IEP in a special day class at Evans Ranch Elementary School.

IT IS SO ORDERED.

Jeanie Min

Jeanie Min
Administrative Law Judge
Office of Administrative Hearings