BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

MORENO VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026060221

ORDER DENYING REVISED MOTION FOR STAY PUT, DENYING REQUEST PROHIBITING GRADUATION PENDING RESOLUTION OF DUE PROCESS PROCEEDINGS, AND DENYING REQUEST FOR EXPEDITED HEARING ON MOTION

JUNE 30, 2026

On June 2, 2026, Parent on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Moreno Valley Unified School District, called Moreno Valley. On June 5, 2026, Student filed a motion for stay put, which was opposed by Moreno Valley. On June 12, 2026, OAH issued an order denying motion for stay put because Student's stay put motion did

not include a complete, signed copy of Student's last agreed upon and implemented individualized education program, called IEP, with supporting declarations. Student's motion also failed to include copies of various orders issued by the Riverside Superior Court in case number PRRI2503163, which Student alleged related to her stay put request. OAH's order was without prejudice for Student to refile a stay put motion supported by a complete, signed copy of Student's last agreed upon and implemented IEP, and supporting documents. In the event Student elected to refile her stay put motion, OAH instructed Student to include relevant legal authority supporting her argument that OAH or a court may order a local educational agency to revoke a diploma as part of a student's right to stay put.

On June 16, 2026, Student filed a revised motion for order for determination of stay put, prohibiting graduation pending resolution of due process proceedings, and request for expedited hearing on motion, referred to as Student's second stay put motion. Student's second stay put motion requests that Student remain placed at Casa Pacifica, a residential treatment facility, and receive the special education and related services reflected in Student's September 16, 2025, IEP, as amended on October 16, 2025 and February 6, 2026. Moreno Valley does not dispute that Student's September 16, 2025, as amended on October 16, 2025 and February 6, 2026, reflects Student's last agreed upon and implemented IEP.

On June 19, 2026, Moreno Valley filed an opposition to Student's second stay put motion. Moreno Valley argues an amendment IEP team meeting was held on April 23, 2026, to discuss Student's progress towards graduation. Moreno Valley argues that it informed Parent that Student seemed to have met all requirements for graduation, and it would provide a transcript analysis to confirm that all graduation requirements for a regular high school diploma were met. Moreno Valley argues Student met all

requirements for earning a high school diploma on April 30, 2026, and that it issued a prior written notice to Parent on May 5, 2026, notifying her of Student's graduation from high school and simultaneous exit from special education. Moreno Valley asserts that once Student's eligibility for special education terminated through graduation, there ceased to be a legally cognizable current educational placement capable of being preserved through stay-put relief.

On June 23, 2026, Student filed a reply to Moreno Valley's opposition. Student cites to a variety of cases where OAH granted stay put in cases where a student had not yet been awarded a regular high school diploma. Student argues that although a due process hearing request was not filed at the time Moreno Valley issued Student a high school diploma, OAH should exercise its equitable authority to revoke Student's diploma through stay put.

On June 24, 2026, Moreno Valley filed a response to Student's reply. Moreno Valley argues Student did not cite to any legal authority where OAH ordered stay-put for a student when the due process complaint was filed subsequent to their graduation with a regular high school diploma.

STAY PUT IS NOT APPROPRIATE BECAUSE STUDENT WAS AWARDED A HIGH SCHOOL DIPLOMA BEFORE STUDENT FILED A DUE PROCESS HEARING REQUEST WITH OAH

The purpose of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.), called the IDEA, is to "ensure that all children with disabilities have available to them a free appropriate public education," called FAPE, and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.) A party has the right to present a complaint "with respect to any matter

relating to the identification, evaluation, or educational placement of the child, or the provision of a [FAPE] to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a).) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified School Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

Due process hearing procedures extend to the parent or guardian. (Ed. Code, § 56501, subd. (a).) The term "parent" is defined in 34 Code of Federal Regulations part 300.30(a) (2006) and Education Code section 56028, subdivision (a) to include biological parents, among others. Education Code section 56041.5 provides, "when an individual with exceptional needs reaches the age of 18, with the exception of an individual who has been determined to be incompetent under state law, the local educational agency shall provide any notice of procedural safeguards required by this part to both the individual and the parents of the individual. All other rights accorded to a parent under this part shall transfer to the individual with exceptional needs. The local educational agency shall notify the individual and the parent of the transfer of rights." (Ed. Code, § 56041.5.)

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, a student's special 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).)

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).) Progression to the next grade maintains the status quo for purposes of stay put. (*Van Scoy v. San Luis Coastal Unified School Dist*. (C.D. Cal. 2005) 353 F.Supp.2d 1083, 1086 [stay put placement was advancement to next grade] see also *Beth B. v. Van Clay* (N.D. Ill. 2000) 126 F. Supp.2d 532, 534; Fed.Reg., Vol. 64, No. 48, p. 126, Comment on §300.514 [discussing grade advancement of a child with a disability.].)

The issue of whether an individual with exceptional needs will receive a regular high school diploma when they graduate from high school is not addressed by the IDEA (*Letter to Anonymous*, Office of Special Education Programs (OSEP) (Nov. 1, 1994).) Nor does the IDEA establish standards for graduation as a general matter. (*Letter to Richards*, 17 IDELR 29 (11th Cir. 2006).) State law and school district policy exclusively determine diploma and graduation requirements. The establishment of appropriate, substantive standards for graduation is entirely a matter of state law for students with and without disabilities alike. (71 Fed. Reg. 46577 (2006); *Letter to Anonymous, supra*.) It is not the intent of the Legislature to eliminate the opportunity for an individual with exceptional needs to earn a standard diploma issued by a local or state educational agency when the pupil has completed the prescribed course of study and has passed proficiency requirements with or without differential standards. (Ed. Code § 56392.)

Stay put may apply when a student with a disability files for a due process hearing on the issue of whether graduation from high school, which ends special education eligibility, is appropriate. (*Cronin v. Bd. of Educ. of East Ramapo Cent. Sch. Dist*. (S.D.N.Y. 1988) 689 F.Supp. 197, 202, fn. 4 (*Cronin*); see also *R.Y. v. Hawaii* (D. Hawaii (February17, 2010, Civ. No. 09-00242) 2010 WL 558552, **6-7 (*R.Y.*) [Student

entitled to stay put placement in a pending administrative proceeding challenging the award of a diploma].) Stay put applies because if it did not, schools could end special education eligibility for students by unilaterally graduating them from high school, even though the issue of graduation was properly before a hearing office and/or court. (*Ibid*.) In both *Cronin* and *R.Y.*, complaints were filed before the school districts sought to exit the students from special education services through issuance of regular high school diplomas.

OAH denies requests for stay put in cases where a student seeks stay put following graduation with a regular high school diploma. (See *Parent on behalf of Student v. Long Beach Unified School District* (June 9, 2014) OAH Case No. 2014080868 [stay put denied where student had already graduated with a regular high school diploma at time due process hearing request was filed]; *Guardian on behalf of Student v. Los Angeles Unified School District* (September 9, 2011) OAH Case No. 2011081101 [stay put denied where student allowed his special education placement to end before he filed his complaint]; *Parent on behalf of Student v. Los Angeles Unified School District* (September 18, 2014) OAH Case No. 2014070488 [request to order student to return to school through stay put denied].) OAH decisions and orders are not binding authority, but may be persuasive. (Cal. Code Regs., tit. 5, § 3085.) These orders are persuasive in this case.

A district is required to provide written notice to the parents of the student whenever the district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of a FAPE to the child. (20 U.S.C. § 1415(b)(3).) This includes a student's graduation with a regular diploma and exit from high school as the graduation constitutes a change in

placement due to the termination of services upon graduation. (34 C.F.R. § 300.102(a)(3)(iii).)

Student's complaint alleges that she is 18-years old student and attending high school at Casa Pacifica, a residential treatment center and receiving special education and related services pursuant to her last agreed upon and implemented IEP. The complaint alleges Student has been eligible for special education since 2013 under the categories of autism and specific learning disability. Student's stay put motion seeks an order requiring Moreno Valley to implement Student's last agreed upon and implemented IEP dated September 16, 2025, as amended on October 16, 2025 and February 6, 2026. Additionally, Student requests that OAH order Moreno Valley to implement Student's special education and related services and continued placement at Casa Pacifica, pending completion of the due process hearing proceeding.

It is undisputed that Moreno Valley held an IEP team meeting on April 23, 2026 and determined, over Parent's objection, that Student had met requirements for high school graduation. Student contends the IEP team agreed to conduct a credit analysis to confirm Student's fulfilment of the requirements to earn a regular high school diploma and reconvene an IEP team meeting to review Student's transition plan and exit Student from special education. Moreno Valley further contends that as of April 30, 2026, Student met all requirements for earning a regular high school diploma. Moreno Valley issued a prior written notice on May 5, 2026, confirming Student's graduation from high school and simultaneous exit from special education.

On June 2, 2026, Student filed a complaint with OAH. Student's complaint identifies numerous issues for hearing, including that Moreno Valley denied her a FAPE by, among other things, failing to adequately assess Student, offer Student appropriate

goals and placement, and provide prior written notice of its issuance of a regular high school diploma to Student and exiting her from special education.

Student's complaint seeks, among other things, an order revoking Student's diploma and independent educational evaluations at public expense. Although Student disputes it was appropriate for Moreno Valley to award her a regular high school diploma, she does not dispute that Moreno Valley determined Student had graduated and exited her from special education before Student filed her due process complaint with OAH. Student did not file the complaint to challenge Moreno Valley's award of a high school diploma until June 2, 2026, 28 days after Moreno Valley's May 5, 2026, prior written notice. Accordingly, Student's motion for stay put is denied on the basis Student had already graduated with a regular high school diploma at the time her complaint was filed.

EX PARTE ORDER BY THE RIVERSIDE SUPERIOR COURT REQUIRING MORENO VALLEY TO CONTINUE FUNDING STUDENT'S PROGRAM

Moreno Valley's decision to award Student a regular high school diploma triggered a series of events largely undisputed by the parties. On May 15, 2026, Moreno Valley notified Parent that Student would be discharged from her residential placement at Casa Pacifica that same day, and offered to transport Student to Moreno Valley and coordinate with nonpublic agencies to secure long term housing for Student. Parent sought ex parte relief through the Riverside Superior Court in Case Number PRRI2503163. On May 18, 2026, the Riverside Superior Court issued an order that, among other things, issued new Temporary Letters of Conservatorship to Parent and ordered Moreno Valley to continue funding Student's residential placement at Casa Pacifica pending further order of the probate court or completion of the "pending Due Process proceedings."

At the time of the Riverside Superior Court's order dated May 18, 2026, Student had not filed a due process hearing request with OAH. Student's complaint was not filed with OAH until 15-days later on June 2, 2026.

Student's stay put motion alleges Parent obtained an ex parte order from the Riverside Superior Court, case number PRRI2503163, on or around May 20, 2026, directing Moreno Valley to:

- continue Student's placement and services pursuant to her IEP, "pending further order of the Court and/or completion of the pending Due Process Proceeding";
- suspend further discharge actions;
- confirming the continued validity and effect of the Temporary Limited Conservatorship; and
- requiring Moreno Valley to continue funding Student's residential placement and related services pending further order of the court and/or completion of the due process proceeding.

A copy of the ex parte order was attached to Parent's declaration in support of Student's motion for stay put. OAH takes official notice of the Riverside Superior Court's May 20, 2026 order. (Gov. Code, § 11515; Evid. Code, § 452, subds. (b) & (c).)

The IDEA establishes formal administrative procedures for resolving disputes between parents of children with disabilities and local educational agencies. (20 U.S.C. § 1415(b)(6); *Fry Napoleon Community Schools* (2017) 580 U.S. 154, 157 [127 S.Ct. 743, 197 L.Ed.2d 46].) The IDEA's administrative procedures consider whether a school has met its primary obligation under the IDEA, specifically providing a child with a disability a FAPE. (*Id.* at p. 166.)

The IDEA requires that a plaintiff exhaust the IDEA's procedures before filing an action under other antidiscrimination statutes including Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131 et seq., and Section 504 of the Rehabilitation Act, 29 U.S.C. § 794. (*Id.* at pp. 155-156; 34 C.F.R § 300.516(e).) In *Fry*, the United States Supreme Court held that, "exhaustion is not necessary when the gravamen of the plaintiff's complaint is something other than the denial of the IDEA's core guarantee – what the Act calls "[FAPE]." (*Ibid.; see also Perez v. Sturgis Public Schools* (2023) 598 U.S. 142 [IDEA's exhaustion requirement does not apply to claims for damages under other statutes].)

Any party aggrieved by the findings and decisions made by a state administrative agency, including OAH, has the right to bring a civil action in any state court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. (34 C.F.R. § 300.516.)

Here, Parent sought and obtained relief from the Riverside Superior Court, including an order compelling Moreno Valley to continue funding Student's placement at Casa Pacifica. Although OAH is the state agency charged with resolving disputes between parents of children with disabilities and local educational agencies, in the interests of judicial comity and for the purpose of avoiding the issuance of conflicting rulings, OAH defers to the May 20, 2026 ex parte order by the Riverside Superior Court. Thus, OAH takes no action on the order as jurisdiction for its enforcement rests with the Riverside Superior Court.

ORDER DENYING REQUEST FOR ORDER PROHIBITING GRADUATING PENDING RESOLUTION OF DUE PROCESS PROCEEDINGS

Student's motion includes a request for an order prohibiting Moreno Valley from graduating Student pending the outcome of the due process hearing. This request is denied as moot for the reasons set forth above.

ORDER DENYING REQUEST FOR EXPEDITED HEARING ON MOTION

Student's motion requests an expedited hearing on her motion. Student's motion did not contain an explanation for her request. OAH does not have a process for determining motions on an expedited basis. Generally, OAH does not hold hearings or oral argument on motions filed by parties. Student's request for an expedited hearing on her motion is therefore denied.

ORDER

1. Student's stay put motion is denied.
2. Students request for an order prohibiting Moreno Valley from graduating Student is moot, and therefore denied.
3. Student's request for an expedited hearing on her motion is denied.
4. This order is without prejudice to any claims for relief asserted in Student's complaint following a due process hearing, including claims relating to the appropriateness of Moreno Valley's decision to issue Student a high school diploma and exit Student from special education.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings