BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

GROSSMONT UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2023080985

# ORDER DENYING MOTION FOR STAY PUT AS MOOT

SEPTEMBER 8, 2023

On August 29, 2023, Student filed a request for due process hearing naming Grossmont Union High School District as respondent. That same day, Student filed a motion for stay put. The Stay Put motion was opposed by Grossmont on September 1, 2023. On September 7, 2023, Student filed a request to dismiss the expedited issues in the case. At the end of the request to dismiss the expedited issues, Student noted that the stay motion was withdrawn based on an interim settlement agreement reached between the parties.

## STAY PUT

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.)

Student has withdrawn the motion for stay put. Therefore, the motion is moot and is denied.

## MOTIONS MUST BE FILED SEPARATELY

OAH does not allow multiple motions to be filed in a single document. In this instance, the fact that the request to withdraw the stay put motion was included with the request to dismiss the expedited issues in the case has been overlooked. Student is cautioned that, in the future, multiple motions filed as a single document may result in Notice of No Action for failure to follow filing procedures.

## IT IS SO ORDERED.

*Penelope Pahl*

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings