BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024080524

ORDER REQUIRING ADDITIONAL EVIDENCE FOR STAY PUT DETERMINATION

AUGUST 20, 2024

On August 12, 2024, Parent, on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming, Palo Alto Unified School District as respondent. On August 12, 2024, Student also filed a Motion for Stay Put. On August 15, 2024, Palo Alto filed an opposition to the Stay Put motion. Student replied to Palo Alto's opposition on August 16, 2024.

COPY OF LAST CONSENTED TO AND IMPLEMENTED IEP REQUIRED

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." 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).) All elements of placement are included in the IEP.

Student's motion seeks Stay Put, but does not provide evidence of the basis for the Stay Put order sought. Student did not attach the last, signed and implemented IEP to her motion.

For purposes of stay put, the current educational placement is typically the placement called for in the student's most recently implemented individualized education program. (Johnson v. Special Education Hearing Office (2002) 287 F. 3d 1176, 1180.) However, some exceptions apply to that rule. (Johnson, supra, 287 F. 3d at p. 1181; Ms. S. ex rel. G. v. Vashon Island School Dist. (9th Cir. 2003) 337 F.3d 1115, 1133 [rev'd on other grounds].) In this case, no IEP documents are attached to the Stay Put motion. Thus, there is no basis on which to determine what the most recently agreed and implemented IEP placement is, or whether exceptions apply.

Student is ordered to file a document entitled Stay Put Motion Evidence that attaches a copy of the most recent, signed and implemented IEP document, including any signed amendments to that IEP. Student is ordered to limit this filing to only the evidence requested. If the requested evidence is not filed, no action will be taken on the Stay Put motion. No further argument is necessary.

Following Student's filing, Palo Alto shall have three business days to file any response challenging the accuracy or authenticity of the document(s) identified as the last consented to and implemented IEP Student files. Palo Alto is directed to refrain from reiterating arguments it has already made in its opposition to Student's Stay Put motion.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings