BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

LOS ANGELES UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2022030687

OAH CASE NUMBER 20220404604

ORDER DENYING MOTION FOR STAY PUT

JULY 8, 2022

On June 30, 2022, Student filed a Motion for Stay Put. On July 5, 2022, Los Angeles Unified School District filed an opposition to Student's motion. On July 6, 2022, Student filed a reply to Los Angeles's opposition.

Student argues the last agreed upon and implemented individualized education program, called an IEP, was dated September 13, 2021. Student argues Los Angeles has not implemented Student's extended school year services as described in the September 2021 IEP. Student requests placement in a special day class on a general education school site until extended school year ends on July 22, 2022.

Los Angeles argues the last agreed upon and implemented IEP was dated January 27, 2022. Los Angeles attached a copy of the January 2022 IEP with Parent's signature consenting to its implementation. Los Angeles argues extended school year services are available to Student as described in the January 2022 IEP.

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); 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.)

Student's Motion for Stay Put is denied because the September 13, 2021 IEP is not Student's last agreed upon and implemented IEP. Student's last agreed upon and implemented IEP is the January 27, 2022. Further, Student has not shown that a dispute regarding implementation of Student's placement and services exists. For example, Student does not argue that Parent attempted to enroll Student for extended school year and Los Angeles denied enrollment. Los Angeles's opposition confirms there is no dispute by admitting extended school year services are available to Student. If a dispute exists regarding implementation of Student's January 27, 2022 IEP, Student may file a new Motion for Stay Put.

IT IS SO ORDERED.

Tara Doss

Tara Doss

Administrative Law Judge

Office of Administrative Hearings