BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. GROSSMONT UNION HIGH SCHOOL DISTRICT.	OAH Case No. 2018030580 ORDER REQUIRING ADDITIONAL EVIDENCE FOR STAY PUT MOTION

On March 15, 2018, Student filed a motion for stay put. The motion filed did not include a complete copy of Student's last consented to Individual Education Plan (IEP). On March 20, 2018, District filed an opposition on the ground that Student's out of state, certified non-public, non-sectarian school placement cannot be required to continue to provide services after giving notice of termination of those services as provided pursuant to California law.

APPLICABLE LAW

Until due process hearing procedures are complete, a special education student is entitled to remain in his or her "then-current educational placement", unless the parties agree otherwise. (20 U.S.C. § 1415(j); 34 C.F.R. § 300.518(a) (2006)[1]; 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).)

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].)

DISCUSSION

Student submitted insufficient evidence of his last agreed upon and implemented IEP. While Student attached a some pages from the Heartspring IEP, those pages are not

[1] All references to the Code of Federal Regulations are to the 2006 edition, unless otherwise indicated.

numbered and did not include a signature page. Furthermore, there was no declaration authenticating the document.

Here, Student has not provided adequate evidence of his last agreed upon and implemented placement. Insufficient evidence has been provided regarding the exact services Student was receiving at Heartspring pursuant to his IEP.

ORDER

Student is ordered to provide a complete copy of the last IEP to which Parents consented. This evidence must be filed and served no later than noon Tuesday, March 27, 2018. Any response to the evidence provided shall be filed no later than noon on Wednesday, March 28, 2018.

IT IS SO ORDERED.

DATE: March 26, 2018

DocuSigned by:
Penelope S. Pahl
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PENELOPE S. PAHL
Administrative Law Judge
Office of Administrative Hearings