BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. HAYWARD UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017070881 ORDER DENYING MOTION FOR STAY PUT

On July 21, 2017, Student filed a Motion for Stay Put. On August 3, 2017, OAH issued an Order Requesting Supplemental Documents due to Student's failure to include a copy of the last agreed-upon and implemented individualized education program. OAH ordered Student to provide a copy of the operative IEP within five days of the Order. On August 4, 2017, District filed an opposition to Student's Motion.

Student did not file any IEP documents with OAH.

APPLICABLE LAW

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 placement called for in the student's individualized education program, which has been implemented prior to the dispute arising. (*Thomas v. Cincinnati Bd. of Educ.* (6th Cir. 1990) 918 F.2d 618, 625.)

DISCUSSION

Student is entitled to remain in his last agreed-upon and implemented placement while this matter is pending and an Order for stay put is generally not required unless a dispute over placement exists. Here, without producing the last agreed-upon and implemented IEP, Student has not established a dispute exists as to Student's placement and services. If there is a dispute that exists as to placement and services, Student may re-file a

Motion for Stay Put with more specificity as to the nature of the dispute, including a copy of the last agreed-upon and implemented IEP. Accordingly, Student's Motion for Stay Put is denied.

IT IS SO ORDERED.

DATE: August 16, 2017

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Tara Doss
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TARA DOSS
Administrative Law Judge
Office of Administrative Hearings