BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ROSEDALE UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2025060462

ORDER REQUIRING ADDITIONAL EVIDENCE TO DETERMINE STAY PUT

JUNE 18, 2025

On June 12, 2025, Student filed a request for due process hearing, naming Rosedale Union School District as respondent. That same day, Student filed a motion for stay put. On June 18, 2025, Rosedale filed its opposition to the motion. Later on June 18, 2025, Student filed a reply to Rosedale's opposition.

APPLICABLE LAW

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 an Order of Stay Put, but does not provide evidence of the basis for the Stay Put order sought. Student did not identify or attach the last, signed and implemented IEP to his 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 documents are attached to the Stay Put motion establishing what was included in the last, consented to IEP. Nor has Student provided any alternative evidence of his last agreed upon and implemented IEP placement and services. Statements made in a request for due process hearing are not evidence.

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 shall have until June 26, 2025, to file the evidence. No further argument accompanying the evidence is necessary. Rosedale shall have three business days from the date those documents are filed and served, to file any objections to the authenticity or accuracy of the evidence filed. Rosedale's argument shall not exceed five pages, including the caption page. The page limit does not include

any attached documents that Rosedale contends are part of the most recent, signed and implemented IEP or amendments to that IEP. Rosedale shall not duplicate the evidence filed by Student or any arguments Rosedale already offered in opposition. All arguments shall be limited to the issue of Stay Put only.

If Student fails to file additional evidence by June 26, 2025, the motion will be denied.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings