BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022060611

ORDER REQUIRING ADDITIONAL EVIDENCE FOR STAY PUT

JUNE 28, 2022

On June 21, 2022, Parent on behalf of Student filed a request for due process hearing, naming Los Angeles Unified School District as respondent. That same day, Student filed a motion for Stay Put. On June 27, 2022, Los Angeles filed a partial opposition to the Stay Put motion.

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.

This case seeks Stay Put but does not provide evidence of the basis for the Stay Put order sought. Student has attached one IEP identified as Student's initial IEP, and several partial, more recent IEPs.

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, the documents attached to the Stay Put motion do not clearly state the IEP offer Student asserts is Stay Put. Thus, there is no basis on which to determine what the most recently agreed and implemented IEP placement is.

Student is ordered to file a document entitled "Stay Put Motion Evidence" that attaches the documents Student asserts is the last, agreed upon and implemented IEP. This document must include all pages of the IEP. Student has until July 5, 2022, to file the IEP. Further argument is not necessary. Los Angeles will have three days from the date of service of the Stay Put Motion Evidence to file any response, which shall be limited to no more than 5 pages, including the caption page, and shall not repeat argument already included in its opposition to Student's motion. If Los Angeles does not file a response to the Stay Put Motion Evidence, the matter shall be decided on the

Stay Put Motion Evidence filed by Student and the arguments previously filed by both sides.

IT IS SO ORDERED.

Penelope S. Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings