BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

DAVIS JOINT UNIFIED SCHOOL DISTRICT

OAH CASE NUMBER 2020060198

ORDER DENYING MOTION FOR STAY PUT

SEPTEMBER 18, 2020

On September 14, 2020, Student filed a motion for stay put. On September 17, 2020, Davis Joint Unified School District filed an opposition.

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 last agreed upon and implemented individualized educational program, called IEP, placement prior to the dispute arising. (*Thomas v. Cincinnati Bd. of Educ.* (6th Cir. 1990) 918 F.2d 618, 625.)

DISCUSSION

Student's motion for stay put is not supported by a sworn declaration supporting his argument that the March 15, 2018, IEP is his stay put placement. Although Student attached an IEP document to his motion, he did not provide sufficient proof that the attached IEP has been implemented, especially as Davis Joint Unified's response includes a declaration from a Davis Joint Unified program specialist regarding Student's last agreed to and implemented educational program. As such, Student's motion for stay put is denied.

IT IS SO ORDERED.

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Cararea Lucier
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Cararea Lucier

Administrative Law Judge

Office of Administrative Hearings