BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SAN DIEGO UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018011041 ORDER FOR SUPPLEMENTAL EVIDENCE IN SUPPORT OF MOTION FOR STAY PUT

Parent on behalf of Student filed a motion for stay put on January 29, 2018. Student asks for an order that San Diego Unified School District be required to maintain his placement at The Institute for Effective Education, the non-public school Student attends pursuant to a settlement agreement with District.[1] Student requests that District be required to maintain the programming and services of his most recent individualized education program at The Institute pending resolution of this case. Student also asks that District be ordered not to issue him a high school diploma pending resolution of this due process matter. District has not filed an opposition to Student's motion.

Student provided evidence that Parent and Student consented to the IEP, which is dated May 2, 2017, through the parties' settlement agreement, which settled a prior due process case Student filed. The settlement agreement is dated June 9, 2017. Student states that he has attended The Institute since October 9, 2017.

Student attached several documents as evidence in support of his motion for stay put. He provided three pages of a draft copy of the May 2, 2017 IEP, to which he and Parent consented through the settlement agreement. The three pages do not appear to be the entire IEP. Student also provided a highly redacted copy of the parties' June 9, 2017 settlement agreement. Although Student did not redact the portion in which he consents to the May 2, 2017 IEP, all other terms of the agreement are redacted.

Student's due process complaint alleges that District seeks to issue Student a diploma at the end of the 2017-2018 school year. Student disputes that he should graduate, which would exit him from special education.

[1] Student inadvertently identified Excelsior Academy as his present non-public school placement in the introduction to his motion for stay put. Student clarified later in his motion that he presently attends The Institute.

Since Student contends that he was placed at The Institute pursuant to a settlement agreement, the terms of that agreement may be relevant to what constitutes Student's stay put placement. Additionally, the agreement may have altered the terms of the May 2, 2017 IEP. Student is therefore ordered to file with the Office of Administrative Hearings an un-redacted copy of the June 9, 2017 settlement agreement. Student may, however, redact any reference to attorney's fees. Student is also ordered to file with OAH a copy of the entire May 2, 2017 IEP. Student shall file the documents within three business days of the date of this order. District may file a response to Student's documentation within three business days of receipt of Student's filing.

IT IS SO ORDERED.

DATE: February 5, 2018

DocuSigned by:
Darrell Lepkowsky
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DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings