

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

INGLEWOOD UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014080873

ORDER DENYING MOTION FOR
STAY PUT

On August 21, 2014, Student filed a motion for stay put with the Office of Administrative Hearings, naming the Inglewood Unified School District. On August 27, 2014, District filed an opposition on the grounds that it is not seeking to change Student's placement during the pendency of the litigation.

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)¹; 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.)

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.)

DISCUSSION

Student is entitled to remain in his last agreed upon and implemented placement while a dispute is pending and an order for stay put is generally not required unless a dispute over

¹ All references to the Code of Federal Regulations are to the 2006 edition, unless otherwise indicated.

placement exists. Here, Student has not demonstrated that a dispute exists as to Student's placement and services while the dispute is pending. District has pledged by sworn declaration of Peggy Mazarella, District's Interim Director of Special Education, to continue providing services and placement within Student's current educational placement, the May 5, 2014 IEP. If there is a dispute that exists as to that educational program in the future, Student may file a request for stay put with more specificity as to the nature of the dispute and the terms of stay put. Therefore, the motion for stay put is denied.

ORDER

Student's motion for stay put is denied.

DATE: August 28, 2014

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings