

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015100917

ORDER DENYING MOTION FOR
STAY PUT

On October 26, 2015, Student filed with the Office of Administrative Hearings a motion for stay put against the Los Angeles Unified School District, which asserted that Student's last agreed upon and implemented educational program called for placement at a therapeutic residential treatment center and that Student's present placement was to end on November 5, 2015. On October 30, 2015, District filed an opposition on the ground that Student's present residential treatment center would continue to provide Student with services through November 30, 2015, and by then District would have obtained a successor therapeutic residential treatment center for Student to attend.

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 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

The parties do not dispute that Student's last agreed upon and implemented educational program is a therapeutic residential treatment center, which is presently

Sorensons Ranch. While Sorensons Ranch initially informed Student and District that it would cease providing services to Student after November 5, 2015, it has informed District that it will maintain Student in placement through November 30, 2015. Further, District is attempting to place Student in the therapeutic residential treatment center that Student had identified as appropriate. Accordingly, since Student is still at Sorensons Ranch through November 30, 2015, Student's motion for stay put is denied. No actual controversy exists as Student is still in his last agreed upon and implemented educational program.

ORDER

Student's motion for stay put is denied.

DATE: November 3, 2015

/s/

PETER PAUL CASTILLO

Presiding Administrative Law Judge
Office of Administrative Hearings