

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 No. 2018050470

ORDER GRANTING MOTION FOR
STAY PUT

On May 9, 2018, Parents on behalf of Student filed a request for due process hearing with the Office of Administrative Hearings, naming Los Angeles Unified School District.

On June 19, 2018, Student filed a motion for stay put. District did not submit 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 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, subd. (a).)

DISCUSSION

Student’s complaint disputes the appropriateness of District’s individualized education program offer of January 9, 2018. Student’s motion for stay put requests that District maintain the placement and services provided for in his last agreed upon and implemented IEP, dated January 23, 2017, during the pendency of the due process hearing for this matter. In addition to various services, that IEP provides Student special education

placement at the Speech and Language Development Center, a nonpublic school. Student's motion was accompanied by supporting documents, including the January 23, 2017 IEP, which denoted services and specifically named Student's educational placement at the Speech and Language Development Center. Also included was a June 15, 2018 notice letter from the Speech and Language Development Center, terminating placement and services for Student on July 7, 2018.

District failed to submit an opposition to Student's motion. Student is entitled to the provision of his last agreed upon and implemented IEP during the pendency of the present dispute. Student's motion is therefore granted.¹

ORDER

Student's motion for stay put is granted. District shall provide the services and placement offered in Student's January 23, 2017 IEP, during the pendency of the due process hearing for this matter.

DATE: June 28, 2018

DocuSigned by:

Paul Kamoroff

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PAUL H KAMOROFF
Administrative Law Judge
Office of Administrative Hearings

¹ District may seek an order that an alternative nonpublic school placement meets stay put requirements, in light of Speech and Language Development Center's termination of placement.