

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 NUMBER 2021080419

ORDER DENYING MOTION FOR STAY PUT WITHOUT
PREJUDICE

AUGUST 23, 2021

On August 16, 2021, Student filed a Request for Due Process Hearing and concurrently a Motion for Stay Put with the Office of Administrative Hearings, called OAH. The Motion included a supporting declaration and a copy of Student's February 10, 2021 individualized education program, called IEP. Los Angeles Unified filed a Notice of Non-opposition on August 20, 2021.

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.) 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).)

Here, stay put is not in dispute. Los Angeles Unified does not oppose Student's motion, which specifically seeks to continue behavior intervention implementation services at Student's present high school placement, as identified in the February 10, 2021 IEP. Accordingly, the motion is denied without prejudice to Student's right to file a new motion for stay put if circumstances change.

IT IS SO ORDERED.

Adrienne L. Krikorian

Adrienne L. Krikorian
Administrative Law Judge
Office of Administrative Hearings