

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 2021090539

ORDER DENYING MOTION FOR STAY PUT

OCTOBER 25, 2021

On October 15, 2021, Student filed a motion for stay put. On October 20, 2021, Los Angeles filed an opposition on the ground that circumstances had changed and a stay put order was no longer necessary.

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 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.)

DISCUSSION

Los Angeles provided a sworn declaration from Assistant Principal Yun Yu stating that Student is no longer being removed from her classroom for medical reasons, has rejoined her classmates, and will continue in her current educational placement. There is no longer a dispute between the parties concerning Student's interim placement. The motion for stay put is denied.

ORDER

Student's motion for stay put is denied.

IT IS SO ORDERED.

Charles Marson

Charles Marson

Administrative Law Judge

Office of Administrative Hearings