

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SAN MARCOS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021090384

ORDER GRANTING MOTION FOR CLARIFICATION OF STAY
PUT ORDER

DECEMBER 2, 2021

On September 29, 2021, the undersigned administrative law judge issued an Order Granting Stay Put in Part. On November 23, 2021, Student filed a motion for clarification of the Stay Put Order. Student's motion is supported by numerous attachments including sworn declarations of Parent and Student. San Marcos Unified School District has not filed a response.

The September 29, 2021 Stay Put Order requires San Marcos to provide Student with health and nursing, specialized physical health care services pursuant to the March 8, 2021 individualized education program or IEP. The March 2021 stay put IEP affords Student 420 daily minutes of individual health and nursing services to be provided by

San Marcos while Student is attending school. The March 2021 IEP specifies that the location for these services is, "the regular classroom/public day school." Student seeks clarification of the location of Student's health and nursing, specialized physical health care services. Specifically, Student seeks an order requiring San Marcos to provide these services in the regular classroom.

Student asserts that San Marcos is requiring Student to go to the health office when she needs insulin and whenever her glucose levels need to be closely monitored. Student argues that due to her medical needs, this would result in her missing anywhere from 30 minutes to several hours of class time each day. She wears a glucose monitor and an insulin pump which is activated by a remote button as needed. Student avers she has never received her IEP health and nursing services at the health office. Rather, her seven hours of daily individual health and nursing services have always been provided in the classroom. Student additionally argues the March 2021 IEP provides that she be in the regular classroom for 99 percent of her day, and that the only service provided outside the classroom are speech services.

Student has established a need for clarification of the September 29, 2021 Stay Put Order regarding the location for delivery of health and nursing services. Identifying the location for health and nursing services as "the regular classroom/public day school" could have different interpretations. Student has proposed a definition that is consistent with the percentage of time identified in the Stay Put IEP for time in the

regular classroom. San Marcos did not oppose Student's definition. Accordingly, for the purposes of stay put, Student's health and nursing services are required to be provided in the classroom.

IT IS SO ORDERED.

Theresa Ravandi

Theresa Ravandi

Administrative Law Judge

Office of Administrative Hearings