

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

ROCKLIN UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024060302

ORDER REQUIRING ADDITIONAL DOCUMENTS TO
DETERMINE STAY PUT

JUNE 14, 2024

On June 7, 2024, Parent, on behalf of Student, filed a request for due process hearing, naming Rocklin Unified School District as respondent. On June 10, 2024, Student filed a motion for stay put. Student's stay put motion did not include a copy of the last consented to and implemented individual educational program, or IEP. Parent is self-represented.

APPLICABLE LAW

Until due process hearing procedures are complete, a special education student is entitled to remain in his 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.” 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).) All elements of placement are included in the IEP.

For purposes of stay put, the current educational placement is typically the placement called for in the student’s most recently implemented IEP. (*Johnson v. Special Education Hearing Office* (2002) 287 F. 3d 1176, 1180.) However, some exceptions apply to that rule. (*Johnson, supra*, 287 F. 3d at p. 1181; *Ms. S. ex rel. G. v. Vashon Island School Dist.* (9th Cir. 2003) 337 F.3d 1115, 1133 [rev’d on other grounds].)

This case seeks stay put but does not provide evidence on which to determine what services should be included in stay put because Student did not attach the last, signed and implemented IEP to the motion.

Student is ordered to file a document entitled Stay Put Motion Evidence that attaches a copy of the most recent, signed and implemented IEP document, including

any signed amendments to that IEP. Rocklin shall have three business days from the filing of the Stay Put Motion Evidence to respond to the motion if it wishes to do so.

IT IS SO ORDERED

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings