

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 2024090258

ORDER DENYING MOTION FOR STAY PUT

SEPTEMBER 27, 2024

On September 5, 2024, Student filed a request for due process hearing, naming Los Angeles Unified School District as respondent. That same day, Student filed a motion for stay put. OAH received no opposition to the motion.

On September 17, 2024, the undersigned issued an order requiring that Student file a copy of the last consented to and implemented IEP to allow a stay put determination to be made. On September 19, 2024, Student filed an IEP dated June 6, 2024 which Parent signed indicating they did not consent. The IEP was to be effective August 2, 2024.

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.)

In this case, Student was instructed to file a copy of the last consented to and implemented IEP so that Student’s stay put rights could be evaluated. Instead, Student filed a copy of an IEP that was signed on July 10, 2024, stating that Student was no longer eligible for special education, and indicating Parents consented with exceptions to assessments, eligibility, setting, and services. The IEP was scheduled to be implemented on August 2, 2024. However, Student offered no evidence that the IEP was ever implemented, or what elements were implemented. Student’s continued special education eligibility is one of the issues raised in Student’s complaint. However, that is not the matter addressed in a stay put motion.

Student has failed to establish the last consented to and implemented IEP offer.
Therefore, Student's motion for stay put is denied.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings