BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

RIVERSIDE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025030636

ORDER DENYING MOTION FOR STAY PUT

AUGUST 29, 2025

On August 22, 2024, Student filed a motion for stay put with an individualized education program dated May 12, 2025. Four days prior, Student filed a Notice of Errata, with a declaration from counsel, that the IEP dated December 12, 2023, and provided with the Notice of Errata, was the last agreed upon and implemented IEP for Student. On August 21, 2024, Riverside filed an opposition on the grounds that Riverside is implementing Student's IEP.

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.)

Student provided two different IEP versions. The December 12, 2023, copy Student provided fails to demonstrate Parent consented to this IEP. There is no signature page and there are numerous handwritten comments that indicate disagreement with the IEP. Moreover, the IEP provided is missing pages 21 through 35 and 36 through 40. The second IEP Student provided was dated May 12, 2025. This is an unconsented IEP.

Student carries the burden in this motion to demonstrate what was Student's last consented and implemented IEP. Student failed to meet her burden.

ORDER

Student's motion for stay put is denied.

IT IS SO ORDERED.

Tiffany Gilmartin

Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings