BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. ACTON-AGUA DULCE UNIFIED SCHOOL DISTRICT and COMMUNITY COLLABORATIVE CHARTER SCHOOL.	OAH Case No. 2017110683 ORDER FOR SUPPLEMENTAL BRIEFING ON MOTION FOR STAY PUT

On November 15, 2017, Student filed a motion for stay put, claiming his last implemented and consented-to IEP entitled him to stay put at Community Collaborative Charter School.[1] On November 20, 2017, Charter School filed an opposition. Acton-Agua Dulce Unified School District has not filed a notice of representation nor a response to the motion for stay put. Additional information is required before a ruling may be made on the motion for stay put.

DISCUSSION

Student filed a sworn declaration from Mother with his motion for stay put with an exhibit attached that purported to be Student's last consented-to and implemented IEP. However, the exhibit attached to the declaration is an incomplete copy of the alleged last consented-to and implemented IEP. The only pages of the IEP submitted to OAH are a signature page that states an IEP date of November 30, 2015; IEP team meeting attendance signatures dated January 27, 2016; and Mother's signature consenting to the IEP with exceptions on February 5, 2016, and referring to an attachment titled "Exceptions" which is the second page of the two-page exhibit. Charter School also did not provide a complete copy of the IEP Mother signed on February 5, 2016 with its opposition. OAH requires a complete copy of the last consented-to and implemented IEP in order to rule upon a motion for stay put.

[1] Student's motion for stay put was sent to OAH on November 14, 2017, but his complaint was not received by OAH until November 15, 2017. Therefore, the motion for stay put, which is dependent on the filing of the complaint, is deemed filed on November 15, 2017.

In its opposition, Charter School claims that it requires parents of students to sign a "master agreement" each school year to maintain a student's enrollment. Charter school asserts that Parents did not sign the master agreement for the 2017-2018 school year, although they were asked to do so in June 2017, and given several days extension in June after the expiration of the time limit. OAH requires additional briefing on this issue, i.e. whether a charter school can require parents to sign an agreement each school year as part of the enrollment process, and whether stay put applies for a special education student if parents have not signed the agreement. Student and Charter School shall each provide OAH with legal authority, including case law, and statutory and regulatory law to support their respective positions. Acton-Agua Dulce is not required to brief this issue but may submit a brief.

ORDER

1. Student and Charter School shall each provide OAH with copies of the complete IEP they believe Mother signed on February 5, 2016, no later than close of business on December 5, 2017.

2. Student and Charter School shall brief the issue of whether a charter school can require parents to sign an agreement each school year as part of the enrollment process, and whether stay put applies for a special education student if parents have not signed the agreement. The briefs shall not exceed 15 double spaced pages in font no smaller than 12 point, and be filed with OAH no later than close of business on December 5, 2017.

IT IS SO ORDERED.

DATE: November 21, 2017

DocuSigned by:
Rebecca Freie
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REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings