BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ACALANES UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2024080177

ORDER REQUIRING ADDITIONAL EVIDENCE FOR STAY PUT

AUGUST 14, 2024

On August 5, 2024, Parent, on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Acalanes Union High School District as respondent. On August 7, 2024, Student filed a motion for stay put. OAH received no response to the Stay Put motion from Acalanes.

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.)

This case seeks Stay Put but does not provide evidence of the basis for the Stay Put order sought. Student did not attach a signed version of the full IEP Student asserts is the last, signed and implemented IEP to his motion.

For purposes of stay put, the current educational placement is typically the placement called for in the student's most recently implemented individualized education program. (*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].)

Here, Student has not provided adequate evidence of his last agreed upon and implemented placement to determine what was consented to. The attached Parents' signatures indicate they only acknowledge participation in the September 22, 2023 amendment IEP. The only signature indicating acceptance of the contents of the IEP was from Zuleima Marquez who is noted to be a therapist.

Student is ordered to file a copy of the most recent, consented to and implemented IEP document, including any amendments to that IEP that clearly shows Parents' consent. Student is ordered to limit this filing to only the evidence requested. Student's motion and argument has been received. No further argument accompanying the evidence is necessary. If the required evidence is not filed, OAH will take no further action on Student's Stay Put motion.

Any response from Acalanes regarding the evidence shall be filed no later than three business days after the filing of the additional evidence.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings