BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017100459
v.	ORDER FOR ADDITIONAL EVIDENCE AND DOCUMENTATION REGARDING STUDENT'S REQUEST FOR STAY PUT
UPLAND UNIFIED SCHOOL DISTRICT.	

On October 4, 2017, Student filed a request for Due Process Hearing. Within Student's request, was a request for stay put.[1] Student attached a copy of a July 11, 2017 settlement agreement executed between Student and District and a signature page from a September 19, 2017 individualized education program team meeting. On October 9, 2017, Student also submitted a second filing that contained a duplicate of the September 19, 2017 IEP meeting signature page and an additional request for stay put. On October 11, 2017, Student submitted a third filing, in which Parent argues the last agreed upon and implemented IEP for Student was January 30, 2014. In support, Parent provided a sworn declaration and a copy of the executed 2014 IEP.

On October 10, 2017, District filed an opposition on the grounds Student did not provide supportive evidence for his request and the placement requested is not his stay put placement. District argues the settlement agreement executed between Parent and Student on July 11, 2017 was the controlling placement of Student for stay put purposes. The District also provided a copy of the July 11, 2017 settlement agreement and a sworn declaration from the Special Education Program Coordinator attesting to District's compliance with the July 2017 settlement agreement.

Nested within the July 2017 settlement agreement is a discussion of a 2015 settlement agreement. However, a copy of this settlement agreement was not provided to the Office of Administrative Hearings.

Further documentation is required in order to properly decide Student's motion for stay put. No later than close of business on Tuesday, October 17, 2017, the parties shall file with OAH a copy of the 2015 settlement agreement regarding Student, as well as additional evidence by way of declarations under penalty of perjury as to what was the last agreed upon and implemented IEP for Student.

[1] Parent is hereby advised that all motions, such as a request for stay put, are to be filed as their own separate pleading.

ORDER

1. The parties shall file with OAH a copy of Student's 2015 settlement agreement executed between Parent and District and declarations under penalty of perjury regarding Student's last agreed upon and implemented IEP by close of business on Tuesday, October 17, 2017. All pleadings shall be served on the opposing party.

IT IS SO ORDERED.

DATE: October 13, 2017

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Tiffany Gilmartin
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TIFFANY GILMARTIN
Administrative Law Judge
Office of Administrative Hearings