BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019090699

ORDER DENYING MOTION FOR STAY PUT

JUNE 8, 2020

On June 2, 2020, Student filed a motion for stay put. On June 5, 2020, Los Angeles filed a response that no dispute exists regarding Student's placement. On June 8, 2020, Student filed a reply and the declaration of a member of Student's counsel's office authenticating the exhibits to Student's motion.

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.)

DISCUSSION

Student's motion appears to be grounded in speculation that Los Angeles would attempt to implement a recent May 20, 2020 IEP to which Parent has not consented. Student's exhibits, initially unauthenticated, include assessment reports, multiple IEPs, and Parent's October 2, 2019 letter consenting to the services, supports, accommodations and goals contained in the September 12, 2019, none of which establish a dispute regarding Student's current educational placement. Los Angeles provided the sworn declaration of its counsel with an authenticated email to Student's counsel, dated June 4, 2020, stating that Los Angeles would continue to implement the September 12, 2019 IEP. There is no dispute that the September 12, 2019 IEP is Student's last agreed upon and implemented IEP.

Here, Student has not alleged that a dispute exists regarding Student's current educational placement. If a dispute exists, Student may file a request for stay put with more specificity as to the nature of the dispute and the terms of stay put. The motion for stay put is denied.

IT IS SO ORDERED.

DocuSigned by:
Alexa Hohensee
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Alexa Hohensee

Administrative Law Judge

Office of Administrative Hearings