BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

COMPTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022070512

# ORDER DENYING MOTION FOR STAY PUT

AUGUST 3, 2022

On July 26, 2022, Student filed a motion for stay put. On July 28, 2022, Compton Unified School District filed an opposition on the ground that Compton Unified has not disputed Student's stay put placement and services, therefore Student's motion is moot.

## 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 contends Compton Unified School District is refusing to maintain Student's most recently implemented individualized education program, called an IEP, which includes 1954 minutes per week of behavior support services. In his complaint, Student claims Compton Unified's June 8, 2022, IEP offer seeks to reduce his behavior support services constitutes a denial of a free appropriate public education, or FAPE. Student's issue in his complaint and stay put are not the same thing. Student has failed to provide any evidence that Compton Unified is not or will not honor statutory stay put requirements. Compton Unified is currently on its summer break, and the 2022-2023 regular school year has yet to commence. Student has not provided any information to support a finding that Compton Unified is disputing Student's stay put placement and services, nor has Student provided evidence that Compton Unified will not maintain Student's stay put placement and services once the new school year commences.

Therefore, no current dispute exists. If a dispute arises, 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.

## ORDER

Students request for stay put is denied.

## IT IS SO ORDERED.

*Judith Pasewark*

Judith Pasewark

Administrative Law Judge

Office of Administrative Hearings