BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017031306
v.	ORDER DENYING AS MOOT STUDENT'S MOTION FOR STAY PUT
UPLAND UNIFIED SCHOOL DISTRICT.	

On April 30, 2017, Student filed a motion for stay put. On May 5, 2017, District filed an opposition to the motion, but stipulated therein to provide stay-put services as requested by Student. On May 5, 2017, Student filed a reply to District's opposition. On May 8, 2017, District filed a sur-reply, and on May 9, 2017, Student filed in response to District's sur-reply.

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 placement called for in the student's individualized education program, which has been implemented prior to the dispute arising. (*Thomas v. Cincinnati Bd. of Educ.* (6th Cir. 1990) 918 F.2d 618, 625.)

DISCUSSION

Student requested as stay put the services listed in the January 30, 2014 IEP team meeting report. District has stipulated that it will provide the services as set out in that report during the pendency of this proceeding. Accordingly, no dispute[1] exists as to what Student's placement and services will be while this matter is pending. Although Student's motion is denied as moot, Student will receive the services he sought by making this motion.

[1] District stated in its sur-reply that it never received a copy of the January 30, 2014 IEP team meeting report with Parent's signature, but attached to its Opposition a copy bearing Parent's signature. Because the matter has been resolved by District's stipulation, that seeming contradiction does not need to be resolved.

Both parties are reminded that motions made before the Office of Administrative hearing are made by means of a motion and a single reply by the adverse party. Replies and sur-replies are not necessary. Should the ALJ deciding a motion require additional briefing by the parties, an order will be issued setting forth the matters to be addressed.

ORDER

Student shall be maintained in the place and receive the services, accommodations, and supports described in the January 30, 2014 IEP team meeting report throughout the pendency of this matter.

IT IS SO ORDERED.

DATE: May 17, 2017

DocuSigned by:
Chris Butchko
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CHRIS BUTCHKO
Administrative Law Judge
Office of Administrative Hearings