BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LAGUNA BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025040200

ORDER DENYING MOTION FOR STAY PUT

MAY 8, 2025

On April 29, 2025, Student filed a motion for stay put. On May 5, 2025, Laguna Beach Unified School District filed an opposition on the grounds that the parties have not agreed to modify Student's stay put protections, Parent's argument that the placement dispute negates stay put is misplaced, and Student failed to meet his burden to demonstrate what he believes his stay put placement is nor did he provide any supporting documentation such as the operative individualized education program, called IEP, in question. Student filed a response to Laguna Beach Unified's opposition on May 5, 2025.

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.)

In California, "specific educational placement" is defined as "that unique combination of facilities, personnel, location or equipment necessary to provide instructional services to an individual with exceptional needs," as specified in the IEP. (Cal. Code Regs. tit. 5, § 3042, subd. (a).)

DISCUSSION

Student's motion for stay put was a five-page document with one page of demands and allegations of malfeasance against Laguna Beach Unified. Student's motion did not include a copy of Student's operative IEP. Student's motion alleged Parent formally objected to the continued placement of Student at Port View Preparatory. Student's May 5, 2025, response further alleged Port View Preparatory is not an appropriate or agreed upon placement, Parent was coerced into signing documents and did not knowingly waive stay put, Port View is dangerously inappropriate for Student, Parent will not be coerced into signing any documents Parent does not understand, and Laguna Beach misrepresents the law.

Laguna Beach Unified provided a sworn declaration from Special Education Director Irene White. Attached to White's declaration was a copy of Student's operative

IEP dated November 15, 2024, as amended on December 13, 2024, February 12, 2025, and March 12, 2025.

This IEP directed Student's placement to be at a non-public school, specifically Port View Preparatory. Parent consented on November 18, 2024, to Student's IEP. Student's program and services as consented to by Parent will continue in Student's current educational placement.

White's statement confirms that Laguna Beach Unified continues to implement Student's placement at Port View Preparatory. White's statement further states Laguna Beach Unified continues to implement Student's supports and services including transportation and working with outside vendors.

Parent's motion for stay put alleged no controversy or dispute. Parent alleges Student's placement is outdated and procedurally defective; however, for stay put purposes, the placement Parent consented to and Laguna Beach implemented is Student's placement at Port View Preparatory.

Student may object to his current placement; however, the stay put process is not the appropriate mechanism for the resolution desired by Student. A request for due process provides Student an opportunity for a determination of fact through an evidentiary hearing. This is a separate process from a request for stay put. Here, Student has not alleged that a stay put dispute exists. 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.

ORDER

Student's request for Stay Put is denied.

IT IS SO ORDERED.

Tiffany Gilmartin

Tiffany Gilmartin

Administrative Law Judge

Office of Administrative Hearings