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 No. 2015040121 ORDER GRANTING MOTION FOR STAY PUT

Student filed a request for due process hearing and a motion for stay put on March 27, 2015. Los Angeles Unified School District filed an opposition April 1, 2015. District agrees the stay put placement requested in Student's stay put motion is the residential treatment facility Student continues to attend pursuant to the last agreed upon and implemented individualized education program. District contends no stay put order is required because there is no dispute as to Student's stay put placement.

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 (IEP), 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's stay put placement is his last agreed upon and implemented placement which District concedes is the residential treatment center at which he is currently placed. Accordingly, the motion for stay put is granted. Student's stay put placement is the residential treatment center provided in his last implemented IEP.

IT IS SO ORDERED.

DATE: April 06, 2015

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings