BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. RIVERSIDE UNIFIED SCHOOL DISTRICT .	OAH Case No. 2018060401 ORDER DENYING MOTION FOR STAY PUT

On June 7, 2018, Student filed a Request for Due Process (complaint) naming Riverside Unified School District as respondent. On June 13, 2018, Student filed a Motion for Stay Put seeking an order prohibiting Riverside from issuing a diploma to Student or retract any diploma granted as of the date of the issuance of the order on Student's motion. Student did not attached her last agreed upon Individual Education Program document to the motion or provide any other evidence of Student's last agreed upon IEP. On June 18, 2018, District filed an opposition to Student's motion on the ground that Student had already graduated from High School.

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); 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.) 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.)

DISCUSSION

Student has failed to attach a copy of the last agreed upon IEP document. Without information as to Student's current educational program and related services, OAH has no

basis upon which to make an order of stay put.

ORDER

1. Student's Motion for Stay Put is DENIED without prejudice.

2. The case shall proceed on the dates stated in the June 11, 2018 scheduling order.

IT IS SO ORDERED.

DATE: June 26, 2018

DocuSigned by:
Penelope Pahl
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PENELOPE S. PAHL
Administrative Law Judge
Office of Administrative Hearings