

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2010030558

ORDER GRANTING MOTION FOR  
STAY PUT

On March 4, 2010, Student filed a motion for stay put. On March 8, 2010, the District filed a notice of non-opposition to Student's stay put motion.

APPLICABLE LAW

Under federal and California special education law, a special education student is entitled to remain in his or her current educational placement pending the completion of due process hearing procedures unless the parties agree otherwise. (20 U.S.C. § 1415(j); 34 C.F.R. § 300.518(a) (2006); Ed. Code, §§ 48915.5, 56505, subd. (d).) The purpose of stay put is to maintain the status quo of the student's educational program pending resolution of the due process hearing. (*Stacey G. v. Pasadena Independent School Dist.* (5th Cir. 1983) 695 F.2d 949, 953; *D. v. Ambach* (2d Cir. 1982) 694 F.2d 904, 906.) For purposes of stay put, the current educational placement is typically the placement called for in the student's 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

In the instant case, Student requests that Student be permitted to return to school in accordance with Student's last agreed-upon IEP dated October 8, 2009, pending the outcome of this due process case. Student contends that the IEP team found Student's negative behavior to be a manifestation of his disability. Therefore, he should remain in his IEP placement while this case is pending. The District does not contest Student's request for stay put.

ORDER

Student's request for stay put is granted. The District shall provide Student with the placement and services called for in Student's October 8, 2009 IEP, pending the hearing and decision in this due process case.

Dated: March 11, 2010

/s/

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SUSAN RUFF  
Administrative Law Judge  
Office of Administrative Hearings