

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

COMPTON UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010031126

ORDER GRANTING MOTION FOR
STAY PUT

On March 15, 2010, Parent on behalf of Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Due Process Hearing Complaint (Complaint) that named the Compton Unified School District (District). Together with the Complaint, Student also filed with OAH a Motion to Determine Stay Put Placement. The District has not filed with OAH a response to the Motion to Determine 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, §§ 48915.5, 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.)

California Code of Regulations, title 5, section 3042, defines “specific educational placement” 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.

DISCUSSION

In this case, Student has established that his last agreed upon and implemented placement by the District is the special education program set forth in an IEP, dated July 18, 2006, and a Settlement Agreement and Release, dated April 18, 2007. Included within this placement is the following: (1) 20 hours per week of one-to-one ABA intervention provided by Behavior Frontiers, a nonpublic agency; (2) 10 hours per month of supervision/clinic attendance provided by Behavior Frontiers; and (3) 50 minutes per week of clinic-based occupational therapy. The District does not dispute this stay put placement.

ORDER

1. Student's Motion to Determine Stay Put Placement is granted.
2. Student's stay put placement shall be the educational program set forth in his Individualized Education Program, dated July 18, 2006, as modified by the Settlement Agreement and Release, dated April 18, 2007.

IT IS SO ORDERED.

Dated: April 1, 2010

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings