

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PLACENTIA-YORBA LINDA UNIFIED
SCHOOL DISTRICT,

v.

PARENT on behalf of STUDENT.

OAH CASE NO. 2010031221 &
2010021041

ORDER DENYING MOTION FOR
STAY PUT

On April 1, 2010, Student filed a motion for stay put. On April 5, 2010, the District filed an opposition on the ground that the District has previously provided Parents with written notice that it will continue to implement the last agreed upon and implemented IEP for Student, pursuant to federal and state law. Further, in its opposition to this motion, the District reiterates its intention to continue providing placement and services pursuant to Student's last agreed upon and implemented IEP. On April 8, 2010 Student filed a response to the District's opposition.

APPLICABLE LAW AND DISCUSSION

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 IEP, which has been implemented prior to the dispute arising. (*Thomas v. Cincinnati Bd. of Educ.* (6th Cir. 1990) 918 F.2d 618, 625.)

The District has provided Parents with written notice on February 8, 2010, and February 12, 2010, along with an additional clarification letter also dated February 12, 2010, which clearly indicate that the District shall continue to maintain Student's current placement and services as contained in her last implemented IEP. In their argument, Parents contend that they should be reimbursed for the "priority registration" fee paid to guarantee Student's enrollment in her current placement for the 2010-2011 school year. As Student has not been removed from her current placement, there is no "stay put" issue. Rather, Parents request for stay put is a request for reimbursement, an issue which may appropriately be addressed in due process hearing. Accordingly, Student's motion for stay put is denied.

ORDER

Student's request for stay put is denied.

Dated: April 12, 2010

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings