

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010110231

ORDER DENYING MOTION FOR
STAY PUT

On November 2, 2010, Student filed a request for due process (complaint), naming the Oakland Unified School District (District) as respondent. Student also filed a motion for stay put on November 2, 2010, contending that Student's last agreed upon and implemented IEP was dated September 11, 2009, which provided the following placement and services: (1) placement in general education classes 99 percent of Student's school day, and with a resource specialist one percent of his school day; (2) two weekly 30 minute sessions of pull-out RSP services; (3) three weekly 30 minute sessions of push-in RSP services; and (4) door-to-door transportation services. Student alleges that, on October 29, 2009, District exited Student from special education without parental consent, and unilaterally suspended Student's services. Student's motion seeks reinstatement of the suspended services until the completion of due process hearing procedures.

District filed no 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); 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.)

Here, Student attached no copy of the September 11, 2009 IEP, which he contends is the last agreed upon and implemented IEP. Before OAH can issue a ruling in this matter, Student must provide a copy of the relevant IEP.

ORDER

Student's motion for stay put is denied. Student is ordered to submit, by November 23, 2010, a copy of the September 11, 2009 IEP, and any other relevant documents he contends evidences the last agreed upon and implemented IEP.

Dated: November 15, 2010

/s/

CARLA L. GARRETT
Administrative Law Judge
Office of Administrative Hearings