

EFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OXNARD UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2011010166

ORDER GRANTING MOTION FOR
STAY PUT

On January 5, 2011, Student filed a request for due process and a motion for stay put. District did not file an opposition to the motion for stay put.

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.)

Student’s last agreed upon and implemented IEP dated October 21, 2010 provides for placement in home instruction for five (5) hours per week. As such, this is Student’s “stay put” placement.

ORDER

Student’s “stay put” placement is home instruction five hours per week pursuant to the October 21, 2010 IEP.

Dated: January 13, 2011

/s/

GLYNDA B. GOMEZ

Administrative Law Judge

Office of Administrative Hearings