

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

EAST SIDE UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2011010173

ORDER DENYING STUDENT'S
MOTION FOR STAY PUT

On January 4, 2011, Student filed a Request for Due Process Hearing (complaint) naming East Side Union High School District (District) as respondent. Student also filed a motion for stay put on January 4, 2011, contending Student must remain in the Independent Study Program until the completion of due process 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's motion fails to identify the IEP she purports to be her last agreed upon and implemented IEP. Before the Office of Administrative Hearings 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 without prejudice to Student re-filing it with the relevant IEP as an exhibit.

Dated: January 10, 2011

/s/

CARLA L. GARRETT
Administrative Law Judge
Office of Administrative Hearings

