

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011061078

ORDER GRANTING MOTION FOR  
STAY PUT

On August 11, 2011, Student filed a motion for stay put. On August 18, 2011, District filed a statement of non-opposition to the motion. The motion is granted.

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, § 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.)

DISCUSSION

Student’s motion contends that pursuant to his last agreed upon IEP, dated June 12, 2010, his placement was in a “PCC” class, plus 18 hours of behavioral services in school per week and ten hours at home. The Motion seeks this placement and these services as Student’s stay put.

District’s statement of non-opposition contends that the operative IEP was actually dated December 6, 2010, and clarifies that “PCC” refers to a pre-school collaborative classroom, but it does not otherwise disagree with Student’s motion. Therefore the motion is granted.

ORDER

Student's motion for stay-put is granted. Student's stay put placement shall be in a pre-school collaborative classroom, and he shall receive 18 hours of behavioral services in school per week and ten hours per week at home.

Dated: August 19, 2011

/s/

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JUNE R. LEHRMAN  
Administrative Law Judge  
Office of Administrative Hearings