

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

DRY CREEK JOINT ELEMENTARY
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011090491

ORDER FOR SUPPLEMENTAL
BRIEFING ON MOTION FOR STAY
PUT

On September 18, 2011, Parent on behalf of Student filed a motion for stay put asserting that the Dry Creek Joint Elementary School District (District) is changing Student's placement during the proceedings in the instant case and demanding that the status quo be maintained. Student argues that after the September 9, 2009 individualized education program (IEP) was accepted by Parents and District the placement of Student was changed. Parent asserts that after June 2, 2010 pull-out services were substituted for services being provide in a special day class, and this arrangement continued until District's filing for due process hearing on September 12, 2011.

On September 21, 2011, Jessi Carriger, attorney for District, filed an opposition to the motion for stay put asserting that the September 9, 2009 IEP for Student was his last placement and constitutes stay put for Student.

On September 21, 2011, Student filed a supplement to Parents' request for stay put reasserting that the September 9, 2009 IEP was not being followed and requesting that OAH order District to maintain the status quo. Parents also assert that District has not informed them the details of Student's current placement.

Additional information is required before a ruling may be made on the pleadings.

ORDER

Within five days of this order, each party shall provide briefing regarding Student's placement prior to District's request for due process hearing filed September 12, 2011. In addition to the classroom location the parties are ordered to provide details of all designated instructional services provided by District. The parties are ordered to specifically delineate Student's "then current placement," as implemented, immediately prior to September 12,

2011, and to set forth how this is different from the last signed IEP, which appears to be the September 9, 2009 IEP. Each party shall include sworn declarations supporting any factual assertions included in its briefing.

IT IS SO ORDERED.

Dated: September 23, 2011

/s/

MICHAEL G. BARTH
Administrative Law Judge
Office of Administrative Hearings