

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

GUARDIAN ON BEHALF OF STUDENT,

v.

GARDEN GROVE UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012021072

ORDER DENYING MOTION FOR
STAY PUT

On February 24, 2012, Student filed a motion for stay put against the Garden Grove Unified School District, which sought to keep Student in his last agreed upon and implemented educational placement pursuant to the October 7, 2011 individualized education program (IEP). On February 28, 2012, the District filed an opposition

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)¹; 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 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 has not demonstrated that the District has taken affirmative steps to cease implementing Student’s October 7, 2011 IEP, and the District’s response promises to fully

¹ All references to the Code of Federal Regulations are to the 2006 edition, unless otherwise indicated.

implement the October 7, 2011 IEP during the pendency of this dispute. Accordingly, Student's motion for stay put is denied as no dispute over placement exists.

ORDER

Student's motion for stay put is denied

Dated: March 2, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings