

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LARKSPUR CORTE MADERA SCHOOL
DISTRICT AND MARIN COUNTY
OFFICE OF EDUCATION.

OAH CASE NO. 2012050519

ORDER GRANTING MOTION FOR
STAY PUT

On May 17, 2012, Student filed a motion for stay put, alleging that a May 17, 2011 settlement agreement between Student and District, which incorporated by reference Student's April 8, 2011 IEP, was the operative document setting forth placement and services for the purposes of stay put. On May 22, 2012, District filed a response to Student's request, stating, in essence, that it did not dispute that Student's placement and services were established by the May 17, 2011 settlement agreement.

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.)

Given that there is no dispute concerning the operative document for the purposes of stay put, namely the May 17, 2011 settlement agreement, which incorporated by reference Student's April 8, 2011 IEP, Student's motion for stay put is granted. Accordingly, Student's placement and services during the pendency of this action shall be consistent with the terms and conditions set forth in the the May 17, 2011 settlement agreement.

IT IS SO ORDERED.

Dated: May 23, 2012

/s/

CARLA L GARRETT
Administrative Law Judge
Office of Administrative Hearings