

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL  
DISTRICT; ELK GROVE UNIFIED  
SCHOOL DISTRICT SPECIAL  
EDUCATION LOCAL PLAN AREA.

OAH CASE NO. 2013050935

ORDER GRANTING MOTION FOR  
STAY PUT

On May 21, 2013, Student’s parent on behalf of Student (Student) filed a due process hearing request along with a motion for stay put. On May 24, 2013, the Elk Grove Unified School District and the Elk Grove Unified School District Special Education Local Plan Area (collectively referred to as “District”) filed a statement of non-opposition to the motion.

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.)

DISCUSSION

This case involves a question of whether the District is responsible for the educational portion of Student’s residential placement at a facility known as Milhous Children’s Services (Milhous). Student contends that the District is responsible for the educational component of that placement.

In the District’s non-opposition to the motion for stay put, the District agrees to fund the educational component of Student’s placement at Milhous until this dispute is resolved.

ORDER

Student's motion for stay put is hereby granted.

Dated: May 30, 2013

/s/

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SUSAN RUFF  
Administrative Law Judge  
Office of Administrative Hearings