

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

HERMOSA BEACH CITY ELEMENTARY
SCHOOL DISTRICT.

OAH CASE NO. 2013090477

ORDER GRANTING DISTRICT'S
REQUEST FOR CLARIFICATION OF
ORDER GRANTING STAY PUT

On September 13, 2013, Parents on behalf of Student (Student) filed a due process request (complaint) accompanied by a separate motion for stay put. In support of his stay put motion, Student attached a declaration from his father and copies of the January 24, 2013 Individualized Education Program (IEP) and the May 17, 2013 amended IEP. In his motion, Student claims that the last agreed and implemented IEP was on May 17, 2013. The Hermosa Beach City Elementary School District (District) did not file a responsive pleading.

On September 26, 2013, OAH, by the undersigned, issued an order granting Student's motion. OAH ordered the District to provide as stay put (1) specialized education instruction in a special day class for 180 minutes daily; (2) individual speech and language services (SLS) for two 30 minute sessions per week; (3) group SLS for three 90 minute sessions per week; (4) group Occupational Therapy (OT) for one 30 minute session per week; (5) OT consultation for once per month for 30 minutes; (6) behavior intervention services (BIS) five times per week for 390 minutes (weekly total would equal 1,950 minutes) by a nonpublic agency (NPA); (7) BIS supervision for 12 times per month for 720 minutes by a NPA; and (8) BIS four times per month for 240 minutes in a clinic setting by a NPA.

On October 16, 2013, the District filed a request for clarification and-or reconsideration of order granting stay put. The District seeks a clarification of whether the stay put order permits the District to provide all 1,950 minutes weekly of BIS at the school site. The District contends that Student's prior placement was in a 20 hour weekly SDC which compelled the District to provide BIS services at home.

On October 18, 2013, Student filed an opposition to the District's request. The opposition contained a declaration by Bruce Bothwell, counsel for Student. Mr. Bothwell declares that subsequent to the OAH order dated September 26, 2013, "the parties reached an agreement [Student] would attend school 20 hours per week with one-to-one behavior support from CUSP (the NPA providing behavioral services) and would receive the remaining 12.5 hours per week of CUSP services at home."

ORDER

- (1) The District's request for clarification is granted.
- (2) The District is ordered to provide 20 hours of BIS services at the school site and the remaining 12.5 hours at home. All remaining parts of the previous order remain in effect.

IT IS SO ORDERED.

Dated: October 18, 2013

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings