

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

HUNTINGTON BEACH CITY SCHOOL
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH Case No. 2015120546

ORDER GRANTING MOTION FOR
STAY PUT

On December 18, 2015, Parents on behalf of Student filed a motion for stay put. On December 22, 2015, the Huntington Beach City School District filed a statement of non-opposition to the motion.

APPLICABLE LAW, DISCUSSION AND ORDER

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, which has been implemented prior to the dispute arising. (*Thomas v. Cincinnati Bd. of Educ.* (6th Cir. 1990) 918 F.2d 618, 625.)

Here, Student seeks to remain in his current educational placement, which includes only those portions of a March 24, 2015 IEP, and an April 24, 2015 IEP, that Student consented upon. District does not oppose maintaining Student’s current educational program.

Accordingly, Student’s motion for stay put is granted. Until due process hearing procedures are completed, Student is entitled to remain in his current educational placement,

including implementation of only the portions of the March 24, 2015 and April 24, 2015 IEP's, that Student consented to, unless the parties agree otherwise.

IT IS SO ORDERED.

DATE: December 23, 2015

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings