

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2016040564

ORDER GRANTING MOTION FOR
STAY PUT

On April 8, 2016, Parent on behalf of Student filed a motion for stay put. Los Angeles Unified School District did not submit 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); 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.)

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, subd. (a).)

DISCUSSION

Student contends that District changed his educational placement by denying him access to Golden Avenue Elementary, his District school of residence. Student asserts that Golden Avenue is his current educational placement and the last placement he attended prior to filing his complaint for due process in the present matter. In support of his request for stay put, Student included a copy of his November 5, 2015 individualized education program, which describes that District offered Student placement at Golden Avenue while the parties consider a non-public school placement. Since March 31, 2016, Student complains that he

has been denied access to Golden Avenue by that school's principal and there has not been an agreement otherwise to change Student's placement.

District failed to respond to Student's request for stay put.

Student has sufficiently demonstrated that Golden Avenue is his current educational placement and the placement described in his current IEP. Student is entitled to remain in his current educational placement until the due process hearing procedures are complete. Student's motion for stay put is therefore granted.

ORDER

1. Student's motion for stay put is granted.
2. Los Angeles Unified School District shall immediately permit Student to return to Golden Avenue Elementary School.

DATE: April 18, 2016

DocuSigned by:

Paul H. Kamoroff

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PAUL H. KAMOROFF

Administrative Law Judge

Office of Administrative Hearings