

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SEQUOIA UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2011070456

ORDER GRANTING MOTION FOR
STAY PUT

On July 12, 2011, Student, through his mother, filed a request for due process naming the Sequoia Union High School District (District). Also on July 12, 2011, Student filed a motion for stay put. The District has not filed an opposition or otherwise responded to Student's 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)¹; 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.)

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.)

DISCUSSION

Student requests a stay put order based upon his last agreed-upon and implemented individualized education program (IEP), which is dated February 3, 2011. Student and his mother both signed agreement to the IEP. The IEP provides Student with placement at the Spectrum Center, a non-public school, for 1575 minutes a week, along with transportation to

¹ All references to the Code of Federal Regulations are to the 2006 edition, unless otherwise indicated.

and from the school. The IEP also provides for 30 minutes of individual language and speech sessions a week and 30 minutes of group language and speech sessions per week. Additionally, the IEP provides Student with job coaching services as necessary. Finally, the IEP provides that Student will attend an extended school year program and will continue to receive language and speech services, during the extended school year session, as well as transportation to and from school during the summer session.

The District has provided no evidence to dispute Student's contention that his stay put placement is the placement and services detailed in his February 3, 2011 IEP. Student's motion for stay put is granted.

ORDER

The District is directed to continue providing Student with the placement and services indicated in Student's February 3, 2011 IEP, to wit: a) 1575 minutes of instruction per week at the Spectrum Center²; b) 30 minutes per week of group language and speech therapy and 30 minutes per week of individual language and speech therapy; c) job coaching as necessary; d) ESY placement along with continued individual and group language and speech therapy; and e) transportation to and from school as detailed in Student's IEP.

Dated: July 20, 2011

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings

² If the Spectrum Center becomes unwilling or unable to continue to enroll Student, the District's obligation will be to provide Student with a comparable placement.