

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN FRANCISCO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011071058

ORDER FOR SUPPLEMENTAL
BRIEFING ON MOTION FOR STAY
PUT

On July 28, 2011, Student filed a Due Process Hearing Request (complaint) naming San Francisco Unified School District (District). Student's complaint alleged that his mother was informed by District in May 2011 that District was not renewing its contract with the non-public school (NPS) Student was attending. Student alleged that the school in question was an appropriate program for him. The complaint contained a Motion for Stay Put, as follows: "Parent requests that an order be entered requiring [Student] to remain in his current educational placement pending this due process proceeding, and requiring [District] to continue its contractual relationship with [NPS] in order to do so."

On August 3, 2011, District filed an Opposition to Student's Motion for Stay Put.

On August 4, 2011, Student filed a Response to Opposition to Motion for Stay Put, in which Student asserted that he had never formally made a Motion for Stay Put. Student requested that the Office of Administrative Hearings (OAH) refrain from ruling on any Motion until Student had formally submitted one containing evidence and argument.

DISCUSSION

Student is incorrect to assert that he has not filed a Motion for Stay Put, since it is clearly contained within his complaint. In Student's Response to Opposition to Motion for Stay Put, Student asks OAH to delay ruling on his Motion indefinitely, unless and until Student elects to file a more formal pleading. This cannot be granted; however it is hereby treated as a request either to formally withdraw his Motion for Stay Put, or as a request to provide supplemental briefing of Student's Motion for Stay Put that was contained within the complaint.

Within the time frames ordered below, Student may either withdraw his Motion for Stay Put, or may submit supplemental information, briefing or declarations regarding the Motion, in which case District will then be given the opportunity to supplement its

Opposition. OAH will then rule on the Motion on the basis of the information that has been received.

ORDER

1. By or before August 12, 2011, Student may either formally withdraw his Motion for Stay Put, or may provide supplemental information, briefing or declarations regarding Student's Motion for Stay Put.

2. Should Student elect to provide supplemental briefing on his Motion for Stay Put, District may supplement its Opposition to Student's Motion for Stay Put by no later than August 16, 2011.

Dated: August 08, 2011

/s/

JUNE R. LEHRMAN
Administrative Law Judge
Office of Administrative Hearings