

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

SAN JOSE UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011080528

ORDER SETTING TELEPHONIC
ORAL ARGUMENT ON STUDENT'S
MOTION FOR STAY PUT

On August 15, 2011, Student filed a motion for stay put. On August 18, 2011, the San Jose Unified School (District) filed an opposition to Student's motion, contending that Student had not properly identified his stay put placement. The District appears to contend that Student has accepted the offer of placement made at Student's last individualized education program (IEP) meeting, held on May 17, 2011, based upon the fact that Student has begun to attend the special day class offered as placement at that IEP meeting. It is unclear whether the District also contends that Student accepted the transition plan detailed in the July 11, 2011 letter from the District's counsel to Student's counsel. It is also unclear whether the applied behavior analysis therapy sessions are presently being provided by Student's non-public agency in Student's classroom, and whether the District is funding the hours pursuant counsel's letter.

Oral argument is therefore ordered to be held by telephone on **Friday, August 26, 2011, at 2:00 p.m.**, to address what each party contends is the stay put placement for Student. The parties are directed to be prepared to address the issue of whether Student's March 24, 2011 IEP is his stay put placement and, if so, what that placement would look like in the context of the fact that Student has transitioned from pre-school to kindergarten, and the fact that Student shall turn six years old in a few months.

OAH will initiate the phone call.

IT IS SO ORDERED.

Dated: August 19, 2011

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings