

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CAPISTRANO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011090696

ORDER FOR SUPPLEMENTAL
BRIEFING ON MOTION FOR STAY
PUT

On September 20, 2011, Parent on Behalf of Student as part of his request for due process hearing (complaint), filed a Motion for Stay Put, asserting that Student's current placement is from the May 3, 2010 individualized education program (IEP). Student neither provided a declaration under penalty of perjury nor a copy of the IEP as part of his complaint.

On September 28, 2011, Justin R. Shinnefield, Attorney for the Capistrano Unified School District (District) filed an opposition to the Motion for Stay Put, asserting that the May 3, 2010 IEP was not the last agreed upon and implemented IEP and should not be used as the basis for a stay put order. Instead, District argues the April 20, 2011, IEP is the last agree upon and implemented IEP and should be Student's stay put. District provided a copy of the April 30, 2011 IEP. Additional information is required before a ruling may be made on the pleadings.

ORDER

Within five business days of this order, each party shall provide briefing regarding Student's placement prior to Student's request for due process hearing filed September 20, 2011. District is ordered to submit a sworn declaration supporting the assertion that the April 20, 2011 IEP is the last agreed upon and implemented IEP. Student is ordered to submit the May 3, 2011 IEP with a sworn declaration asserting that this is the last agreed upon and implemented IEP. Student shall also file a copy of the May 3, 2011 IEP.

Dated: September 28, 2011

/s/

MICHAEL G. BARTH
Administrative Law Judge
Office of Administrative Hearings