

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011100043

ORDER DENYING MOTION FOR
STAY PUT

On September 29, 2011, Student filed a motion for stay put. The Office of Administrative Hearings did not receive a response from the Sacramento City Unified School District (District).

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 that the IEP for Student dated March 23, 2011, is the last agreed to and implemented IEP and thus is Student’s stay put. Student submitted a 32-page IEP that appears to be a draft document as it is unsigned and does not have page numbers. Student

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

submitted no evidence that March 23, 2011 IEP submitted with her Motion for Stay Put was either consented to or implemented. Accordingly, her Motion for Stay Put is denied.

ORDER

Student's Motion for Stay Put is Denied.

Dated: October 10, 2011

/s/

MICHAEL G. BARTH
Administrative Law Judge
Office of Administrative Hearings