

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN JUAN UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2012080119

ORDER DENYING MOTION FOR  
STAY PUT

On August 2, 2012, Student filed a motion for stay put against the San Juan Unified School District (District), which sought to keep Student in his last agreed upon and implemented educational placement pursuant to the June 8, 2011 individualized education program (IEP) at the Williams Academy, a non-public school. On August 6, 2012, the District filed an opposition

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)<sup>1</sup>; 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 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

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

Student has not demonstrated that the District has taken affirmative steps to cease implementing Student's June 8, 2011 IEP for Student to attend the Williams Academy, and the District's response promises to fully implement the June 8, 2011 IEP during the pendency of this dispute. Accordingly, Student's motion for stay put is denied as no dispute over placement at the Williams Academy exists.

ORDER

Student's motion for stay put is denied

Dated: August 7, 2012

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings