

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

OXNARD UNION HIGH SCHOOL  
DISTRICT.

OAH CASE NO. 2013060771

ORDER GRANTING MOTION FOR  
STAY PUT

On June 17, 2013, Parents on behalf of Student (Student) filed a Request for Due Process Hearing (Complaint) naming the Oxnard Union High School District (District) as respondent. The complaint alleges that the District has unilaterally decided to no longer individually transport Student as required in the January 15, 2013 Individualized Education Program (IEP). Student filed, simultaneously with the complaint, a motion for stay put requiring the District to continue implementing the IEP individual transportation services. The District has not filed a response to the motion.

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 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.)

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

## DISCUSSION

As part of the complaint, Student attaches the page of the January 15, 2013 IEP which states that Student would receive "Road Runner Bus-Door to Door" transportation. Student contends that Road Runner provided individual transportation for Student due to her history of extreme aggressive behavior which included causing injury to herself as well as peers. Student contends that Road Runner provides individual transportation and that the IEP reference was understood by all to mean that the IEP required individual transport. Following the IEP, the District continued to transport Student individually. On June 13, 2013, the District's special education director notified Student's parents that the individual transportation would be discontinued and Student would be transported in a bus with other students. Student seeks a stay put order requiring the District to continue individual transport of Student during the pendency of this matter.

Student has met her burden of establishing that the last implemented IEP requires the District to provide individual transport to Student to school.

## ORDER

Student's motion for stay put is granted. The District shall continue to provide individual transportation to Student.

Dated: June 21, 2013

/s/

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ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings