

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014080275

ORDER GRANTING MOTION FOR
STAY PUT

On August 4, 2014, Student filed a motion for stay put. On August 13, 2014, District filed a statement of non-opposition 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)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 AND ORDER

Student seeks a stay put order that she be maintained in her placement in a special day class at Perez Special Education Center pursuant to her last agreed upon and implemented IEP dated February 3, 2014. Student’s due process hearing request (complaint) alleges that District conducted an IEP team meeting on April 11, 2014, and in the resulting IEP District offered to change Student’s placement from Perez Special Education Center, a special education school site, to a general education school site. Student alleges that this proposed

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

move was prompted by District policy resulting from unrelated litigation and in disregard of Student's unique needs. The copy of the April 11, 2014 IEP attached to the sworn declaration of Mother offers placement at Perez Special Education Center, but states in the "additional discussion" section that students at Perez Special Education Center will be moved during the 2014-2015 school year to Kennedy Elementary School, and documents Mother's refusal to consent to such a move. District does not oppose Student's motion for stay put. Accordingly, Student's motion for stay put is granted.

Student's placement pending a decision in this matter shall be in a special day class at Perez Special Education Center, with special education and services as provided in her last agreed upon and implemented IEP dated February 3, 2014.

IT IS SO ORDERED.

DATE: August 15, 2014

/s/

KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings