

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011010270

ORDER GRANTING MOTION FOR
STAY PUT

On January 12, 2011, Student filed a request for due process hearing which included a motion for stay put. The District has filed no responding pleading. Student requests that OAH issue a stay put order requiring the District to provide her with one hour per week of speech and language therapy by a non-public agency (NPA), as provided in the last implemented Individualized Education Program (IEP).

APPLICABLE LAW AND DISCUSSION

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); 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.)

Here, the last IEP, which was dated February 17, 2009, consented to by Student’s parents (Parents) and implemented by the District, provided Student with speech and language services by a NPA. The District has informed Student that it intends to eliminate NPA speech and language services. Stay put is designed to maintain the status quo and insure that the child remains in the last placement that the parents and education officials agree to be appropriate. (*Verhoeven v. Brunswick School Committee* (1st Cir. 1999) 207 F.3d

1, 10; *Millay v. Surry* (D. Me. 2008) 584 F.Supp.2d 219, 230-231.) Thus, the District is obligated to implement the February 17, 2009 IEP.

ORDER

Student's motion for stay put is GRANTED. The District shall implement the February 17, 2009 IEP, including to continue to provide NPA speech and language services for one hour per week.

Dated: January 19, 2011

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings