

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NORWALK-LA MIRADA UNIFIED  
SCHOOL DISTRICT.

OAH CASE NO. 2011010174

ORDER DENYING STUDENT'S  
MOTION FOR STAY PUT

On January 6, 2011, Student filed a Request for Due Process Hearing (complaint) naming Norwalk-La Mirada Unified School District (District) as respondent. Student also filed a motion for stay put on January 6, 2011, contending District must continue providing Student with all related services, pursuant to the last agreed upon and implemented IEP, dated December 1, 2009. District filed no opposition.

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.)

Here, Student attached no copy of the December 1, 2009, which she contends is the last agreed upon and implemented IEP. Before OAH can issue a ruling in this matter, Student must provide a copy of the relevant IEP.

ORDER

Student's motion for stay put is denied without prejudice to Student re-filing it with the relevant IEP as an exhibit.

Dated: February 01, 2011

/s/

CARLA L GARRETT  
Administrative Law Judge  
Office of Administrative Hearings