

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN MATEO-FOSTER CITY SCHOOL
DISTRICT.

OAH CASE NO. 2011080043

ORDER GRANTING MOTION FOR
STAY PUT

On September 8, 2011, Student filed a motion for stay put. District has not filed an opposition. As discussed below, the motion is granted.

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); 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

Pursuant to Student’s last agreed upon IEP, dated October 16, 2009 and consented to by parent’s signature on January 12, 2010, Student’s last agreed upon placement was Stanbridge Academy, a private day school certified by the California Department of Education. The IEP specifies that “[Student] attends Stanbridge Academy. [District] fund[s] tuition.” Student’s motion for stay put seeks a continuation of this placement and funding pending the resolution of this due process dispute. The motion is unopposed and is granted.

ORDER

Student's stay put placement is Stanbridge Academy, with tuition funded by District.

Dated: September 16, 2011

/s/

JUNE R. LEHRMAN
Administrative Law Judge
Office of Administrative Hearings