

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. 2012030565

ORDER GRANTING MOTION FOR
STAY PUT

On March 16, 2012, Parents on behalf of Student (Student) filed a request for due process hearing (complaint) naming the Los Angeles Unified School District (District) as respondent.

On April 24, 2012, Student filed a motion for stay put. Student seeks an order requiring the District to continue to provide one hour weekly of Language and Speech services (LAS) provided by a nonpublic agency (NPA) as stay put. The District has not filed an opposition.

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

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

At the last agreed upon Individualized Education Program (IEP) on April 27, 2011, Student was provided LAS services for one hour per week by an NPA., Speech, Language and Education Associates (SLEA). At the December 7, 2011 IEP meeting, Student's parents did not agree to the District's offer of one hour of school based LAS. (Declaration of Juliet Castagnola in support of Student's motion for stay put.) Thus, the last agreed to IEP is the April 27, 2011 IEP. Thus, Student is entitled to receive as his stay put one hour per week of LAS services by the NPA.

ORDER

Student's motion for stay put is granted, and the District shall provide Student with Language and Speech services for one hour per week by the nonpublic agency, SLEA.

IT IS SO ORDERED.

Dated: May 01, 2012

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings