

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
SPECIAL EDUCATION DIVISION
STATE OF CALIFORNIA

In the Matter of:

STUDENT,

Petitioner,

v.

NEWPORT-MESA UNIFIED SCHOOL
DISTRICT AND CALIFORNIA
DEPARTMENT OF EDUCATION,

Respondents.

OAH CASE NO. N 2006120803

**RULING ON STUDENT'S
MOTION FOR STAY PUT**

On December 26, 2006, Steven Wyner, attorney for Student, included a request for “stay put” as a proposed resolution in the due process complaint filed on behalf of Student. On December 27, 2006, Office of Administrative Hearings treated that request as a motion for stay put and provided notice of the motion for stay put to all counsel requesting any response within five business days. No responses were received.

A review of the request for stay put and the information contained in the complaint shows only a request that Provo Canyon School in Provo, Utah, be deemed Student’s stay put placement, but does not indicate if there is a dispute related to Student’s placement, under what circumstances stay put should be ordered, or why Provo Canyon School should be deemed Student’s stay put placement. If a dispute exists as to Student’s placement, then Student may re-file a motion for stay put including proper documentation about current placement and what the conditions of stay put should be. However, based upon insufficient documentation for the stay put request at the current time, the motion for stay put is denied.

IT IS SO ORDERED THIS DAY, January 5, 2007.

RICHARD M. CLARK
Administrative Law Judge
Special Education Division
Office of Administrative Hearings