

(1.48) What happens to my child’s placement and services if I file for a due process hearing?

Except in certain circumstances discussed below, your child must remain in her *current* educational placement and have her current agreed upon IEP fully implemented (including all related services) from the time you request a hearing until the due process hearing proceedings are completed. [34 C.F.R. Sec. 300.518; Cal. Ed. Code Sec. 56505(d)] If you prevail at the hearing and the school district appeals the decision to the court, your child’s placement and services as described under her IEP will remain the same as during the due process hearing while the appeal is pending. [Joshua A. v. Rocklin Unified School District, 559 F.3d 1036, (9th Cir., 2009.)] This protection is usually called a “stay-put” provision. The stay-put may be changed if the parent and district agree to a change in placement or services while due process is pending.