BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SANTEE SCHOOL DISTRICT.

OAH CASE NUMBER 2026030061

ORDER GRANTING MOTION FOR STAY PUT

APRIL 21, 2026

On March 30, 2026, Student filed a motion for stay put with the Office of Administrative Hearings, called OAH. On April 3, 2026, Santee School District, called Santee, filed an opposition on the grounds that the district is not required to provide Student a FAPE or the protections of the IDEA, including stay-put, because at the time the motion was filed neither of Student's parents resided within the boundaries of the District, Student has not obtained an approved interdistrict attendance permit to attend school within the district, and neither of Student's parents had established homelessness.

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 last agreed upon and implemented individualized educational program, called IEP, placement 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, subd. (a).)

DISCUSSION

Student contends that he has an agreed-upon and implemented IEP at Carlton Oaks Elementary School in the Santee School District. Students contends that on December 5, 2025, Santee unilaterally removed Student from Carlton Oaks due to a dispute regarding Student's residency in the district and failed to implement his IEP. Student's family has experienced housing instability during Parents' divorce and he has lived in four different residences within six months. Student also argues he qualifies for protections under the McKinney-Vento Homeless Assistant Act, 42 U.S.C. §§ 11431–11435.

Santee contends that Student does not reside within the jurisdictional boundaries of Santee Unified School District and does not qualify as a homeless student under the protection of the McKinney-Vento Act. Santee sent Parents a letter denying the request

for residency due to apparent falsification of documentation provided as proof of residency and notified Parents that Student's last day of enrollment would be December 5, 2025. Mother then submitted a signed Co-Residency Affidavit. Santee contends that a residency investigation determined that Mother and Student were not residing at the address listed on a Co-Residency Affidavit, but at an address outside the geographic boundaries of the district. Santee notified Parents that Student's last day of enrollment would be December 5, 2025. On January 30, 2026, Mother claimed homelessness. Santee denied Parent's request for enrollment based on homelessness.

There is no dispute that the November 4, 2025, IEP is the last agreed upon and implemented IEP. The IEP specifies Student's placement at Carlton Oaks Elementary with 600 weekly minutes of group specialized academic instruction, 300 annual minutes of group speech-language services, and 150 annual minutes of group occupational therapy.

Student's last day of attendance at Carlton Oaks was December 5, 2025, when Carlton Oaks disenrolled Student. He has been out of school and without special education services since the date of disenrollment. This case involves a residency dispute currently pending before OAH. That is a mixed question of law and fact that requires a due process hearing. Student is entitled to stay put pending resolution of due process hearing.

Student's last agreed upon special education placement and services was contained in the November 4, 2025, IEP. Santee developed the IEP and provided Student educational placement at Carlton Oaks Elementary School. This educational placement and special education services constitute stay put for Student.

ORDER

1. Student's request for Stay Put is granted.

2. Santee shall immediately reenroll Student at Carlton Oaks Elementary School with special education services, pursuant to the November 4, 2025, IEP.

IT IS SO ORDERED.

Katherine Roe
Katherine Roe (Apr 21, 2026 15:33:04 PDT)

Katherine Roe

Administrative Law Judge

Office of Administrative Hearings