

Tips from the Special Education

Division: Stay Put

March 2026

The Special Education Division receives calls from parents and districts with questions about “stay put” and sees parents requesting “stay put” as a remedy in disputes, particularly special education community complaints, when it does not apply. As explained below, *stay put* is a concept addressed briefly in regulation and its limited application has largely been developed and explained over time in case law and guidance.

Question: What is stay put?

Answer:

Stay put is a provision of the Individuals with Disabilities Education Act (IDEA) that limits changes to a student’s educational placement during certain types of disputes. The purpose of *stay put* is to prohibit districts from “unilaterally excluding [students with disabilities] from the classroom” during pending proceedings. *Honig v. Doe*, 484 U.S. 305 (1988). When a parent/guardian (or adult student) files a due process complaint, *stay put* is automatically triggered and remains in effect until a decision is reached in court. [34 CFR 300.518 \(a\)](#); [WAC 392-172A-05125](#). This status means a student must “stay put” in their current educational placement for the duration of the proceedings, including the resolution period, hearing and decision from the administrative law judge (ALJ), and any appeals, unless the parent and district agree otherwise. *Joshua A. v. Rocklin Unified Sch. Dist.*, 559 F.3d 1036 (9th Cir. 2009). There are some notable exceptions for disciplinary issues (addressed below).

While a district may not remove a student with a disability from their current educational placement during a qualifying dispute unless a specific exception applies, the district is still responsible for providing free appropriate public education (FAPE) to the student while the proceedings are pending. The individualized education program (IEP) team may continue to meet, as needed or required, to update and implement the student’s IEP unless those changes are in dispute. [WAC 392-172A-05125](#); *see also, Honig v. Doe*, 484 U.S. 305 (1988).

When is stay put triggered?

Stay put is triggered once a due process complaint is filed by a parent (or adult student). *Stay put* continues to apply when a due process hearing decision is appealed through a judicial proceeding. *Stay put* does **not** apply during other dispute resolution processes, such as special education community complaints, mediations, or other attempts to resolve special education disagreements outside of due process proceedings.



Stay put is triggered and in effect (i.e., the student must remain in their current educational placement, unless the parent and the district agree otherwise) during the due process proceedings and hearing; which includes appeals of due process decisions and other judicial proceedings stemming from due process.

Stay put is **not** triggered or in effect (i.e., the district can change a student's educational placement while a resolution is being reached):

- During special education community complaint investigations;
- During special education facilitated IEP meetings or mediations;
- During other informal resolution discussions between parents and districts;
- When a due process hearing is about a disciplinary placement change (see below).

Note: The IDEA's *stay put* provision is not automatically triggered when a parent requests an independent educational evaluation (IEE) in response to a district's decision to exit a student from special education eligibility. A district would only be required to maintain the current educational placement if the parent or district filed a due process complaint concerning the IEE request or eligibility decision. *Letter to Anonymous*, 72 IDELR 163 (OSERS 2018).

How does stay put apply in disciplinary matters?

A parent or adult student may file a due process hearing request to disagree with any decision regarding placement made under the discipline provisions or the manifestation determination decision. The district may file a due process hearing request if it believes that maintaining the current placement of a student is substantially likely to result in injury to the student or to others. [WAC 392-172A-05160](#).

Stay put does not apply in some disciplinary matters. In cases where there is a more serious disciplinary issue (i.e., special circumstances as defined in [WAC 392-172A-05149\(1\)](#)), the district may change a student's educational placement to an "interim alternative education setting" (IAES) for up to 45 school days. The same is true when a student is suspended for more than ten days for disciplinary issues that are not a manifestation of the student's disability.¹ The student is to remain in the alternate setting for the duration of the disciplinary removal period, unless the district and parent agree on another placement, or the ALJ makes their decision, whichever occurs first. It is still the responsibility of the district to provide FAPE to students while they are in their IAES.

The ALJ may, in a due process related to discipline, return the student to the placement from which they were removed if the ALJ determines that the removal was a violation of the disciplinary requirements or that the student's behavior was a manifestation of their disability.

¹ Stay put protections generally do not apply to short-term disciplinary removals because a removal of 10 or fewer school days is not considered a "change in placement" under the IDEA. [34 CFR 300.536](#) (a)(1); WAC 392-172A-05155.

The ALJ may also order a change of placement to an appropriate IAES for not more than 45 school days. [WAC 392-172A-05160](#).

“Current educational placement” under stay put

A student’s current educational placement is the program outlined in the student's most recently agreed-upon IEP that was implemented. *Honig v. Doe*, 484 U.S. 305, 325 (1988).² While *stay put* places limits on districts, it does not prevent parents from unilaterally changing the student's placement (for example, by enrolling the student in a private school) or revoking consent for IDEA services. A district and parent may at any time during the dispute, agree to an alternate placement, which the district would need to maintain for the duration of the dispute. If a student’s “then-current educational placement” is no longer available, the district must provide the student with placement in a similar program during the pendency of the due process (and subsequent appeal/judicial) proceedings. See, e.g., *Knight v. Dist. Of Colum.*, 877 F.2d 1025, 1029 (D.C. Cir. 1989); *Block v. Dist. Of Columbia*, 748 F.Supp. 891, 898 n.9 (D.D.C. 1990).

Stay put also applies differently during the transition from early intervention to school-age special education services. When a child turns three and transitions from Part C services (early intervention) to Part B (school-age), *stay put* is not automatically triggered. Under WAC 392-172A-05125, the district is not required to keep providing the child’s Part C services during a pending dispute but may do so if it so chooses. Once the child is found eligible for Part B services and the parent consents to the provision of services, the district must provide whatever Part B services are not in dispute while the proceedings continue.

Resources

For more information and resources related to *stay put*, see:

- [Notice of Special Education Procedural Safeguards](#)
- [34 CFR 300.518](#)
- [WAC 392-172A-05125](#)
- [WAC 392-172A-05149](#)

² See also, *Murphy v. Arlington Cent. Sch. Dist. Bd. of Educ.* (S.D.N.Y 2000), *aff'd*, (2d Cir. 2002); *Bd. of Educ. of Cmty. High Sch. Dist. No. 218 v. Ill. State Bd. Of Educ.*, 103 F.3d 545, 548 (7th Cir. 1996).