

What is “Stay Put”?

An explanation of the provision and when it may be useful.

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Parents of a child receiving special education services have important procedural safeguards and legal rights. One of these rights is the “stay put” provision of the Individuals with Disabilities Education Act (IDEA).

After receiving the Prior Written Notice (PWN), if a parent disagrees with and formally disputes a proposed change (or refusal) to their child’s placement, the “stay put” provision allows the student to do just that—“**stay put**” in the current IEP placement.

When properly invoked, “stay put” will keep a student in the current educational placement while receiving the same supports and services until an administrative or a judicial process is resolved. This means the current individualized education plan (IEP) will continue until the differences are resolved and the proposed IEP is agreed upon.

“Stay Put” may **ONLY** be invoked after:

1. A parent disputes (disagrees in writing) a proposed action explained in a prior written notice (PWN) and
2. A parent files a request for mediation or due process hearing **BEFORE** the proposed start date stated in the written notice.

In order to invoke “Stay Put” a parent **MUST** file either a request for a state mediation or a due process hearing **BEFORE** the implementation date listed on the Prior Written Notice (PWN) .

The implementation date is the date a proposed IEP, with proposed changes, will begin. If a parent does not file or request a dispute resolution action before that date, the proposed IEP **WILL** go into effect. That is why it is so important for parents to know the implementation date.

IDEA requires that school teams send a parent written notice prior to making or refusing a change to a student’s IEP. After receiving PWN, a parent must take action to show they disagree and are disputing the proposed change.

IDEA outlines three Special Education dispute resolution options, they are: State Mediation, Due Process and State Complaint. Each of these is described in the [Procedural Safeguards Manual Parental Rights in Special Education](#). One difference between the options is that the stay put provision does **not** apply with a State Complaint.

Two resolution options include the stay put provision:

- **STATE MEDIATION** provides an opportunity for parents and the school district/AEA to resolve the disagreement, at no cost to parents. The mediation is overseen by a neutral, state trained mediator.
- A **DUE PROCESS** hearing is presided over by an impartial administrative law judge who hears both sides, reviews evidence and makes a legal ruling.

The Iowa Department of Education also offer a State Complaint and AEA Mediation as dispute resolution options. These two actions do **NOT** invoke stay put. More information about all of the dispute resolution options in the [Procedural Safeguards Manual](#) or [Dispute Resolution Options](#) from ASK Resource Center.

ASK Essential Questions

- Do I understand the PWN? Does the notice answer the questions I had about the proposed change?
- Have I read and do I understand the dispute resolution options in the Procedural Safeguards Manual?
- Have I requested a dispute resolution process, in writing, before the proposed change start date?
- Do I know what needs to be done to correctly invoke stay put?

EXCEPTIONS — “Stay Put” does NOT apply when:

- A student does not have an IEP. Stay Put does not apply if a student doesn’t have a current IEP.
- A student is removed from a placement for drugs, weapons, or severe behaviors that put the student or others at harm.
- A student violates code of conduct that involves a weapon, drugs or serious bodily injury.
- A student’s current placement is likely to result in injury of the student or others.
- When disciplinary actions are involved, and related to a student’s disability, the school *can* move a student for up to 45 school days (even if parents disagree with the move). During those 45 school days, the school is required to provide services to address the child’s behavioral problems.

Related Resources at askresource.org/resources:

- [Prior Written Notice](#)
- [Procedural Safeguards](#)
- [Special Education Dispute Resolution Options](#)

These sources were referenced in the development of this document iowaideainformation.org; parentcenterhub.org and understood.org

This document is an informational resource. The information provided is not legal advice and is not a substitute for consulting an attorney about a student’s individual situation.