

United States Court of Appeals
for the Fifth Circuit

No. 26-10252

United States Court of Appeals
Fifth Circuit

FILED

September 4, 2026

Lyle W. Cayce
Clerk

WEATHERFORD INDEPENDENT SCHOOL DISTRICT,

Plaintiff—Appellee,

versus

K.L., BY NEXT FRIEND S.H.,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:26-CV-108

Before JONES, SOUTHWICK, and WILLETT, *Circuit Judges*.

PER CURIAM:*

In this expedited appeal, we are asked to enforce the “stay-put” provision of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1415(j). Federal regulations provide that, for purposes of IDEA, an order of a state hearing officer constitutes an “agreement” between the State and a student’s parents to maintain the ordered “then-current” educational placement of the student pending appellate proceedings. 34 C.F.R. §

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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300.518(d); *Sch. Comm. of Town of Burlington v. Dep't of Educ. of Mass.*, 471 U.S. 359, 370, 105 S.Ct. 1996, 2002-03 (1985); *Houston Indep. Sch. Dist. v. I.P.*, 582 F.3d 576, 594 (5th Cir. 2009). This is the rule that we must enforce.

In this case, the Order of the State Hearing Officer is not the last word yet. The Order requires Weatherford Independent School District to provide compensatory education relief to K.L. in the form of residential placement for one year “at CALO programs *or* a comparable TEA-approved residential placement.”

It is not this court’s place to finalize the placement ordered by the State Hearing Officer, even though compliance with the stay-put provision requires such placement pending further proceedings. *See also* Tex. Admin. Code § 89.1185(o) (“a public education agency must implement a hearing officer’s decision during the pendency of an appeal”). The district court is familiar with this case as a result of the preliminary injunction proceeding and pending summary judgment activity. The district court is therefore in the best position to assess these issues.

Accordingly, we REMAND with instructions to the district court to promptly consider the stay-put order, along with the summary judgment motions.