

**Due Process Hearings FY2008-2009
Special Education Advisory Panel (SEAP/PL 94-142 Advisory
Panel) Disclosure
December 2009**

109 due process hearing requests filed (some of these led to decisions, some were withdrawn, and others are still pending)

- 4 of the 109 were expedited due process hearing requests

28 due process hearing decisions (some of these cases were filed in prior fiscal years):

- 12 decisions after hearing
- 4 dismissals
- 12 settlement orders

5 mediations: 2 resulted in withdrawal of due process hearing request

25 mediations outside of Due Process/outside of Child Complaint Process:

13 successful

Copies of the due process hearing decisions are posted on the web site at: www.dese.mo.gov/divspeced (click on Compliance, and then click on complaint system, and then click on due process hearing system).

The issues in the cases that went to hearing, included whether placement and services were appropriate, whether the district properly determined that a child did not have a disability; whether the Individual Education Program provided a free and appropriate education, whether a student was entitled to compensatory education, whether a manifestation hearing was properly conducted and whether a student was a danger to himself and others.

Time-lines for all cases but 1 exceeded 45 days.

Time-lines were properly extended in all cases.

Time-lines ranged from one case of 30 days to one case over 2 years. The average time line was 10.5 months.

Dismissals: These are Orders of the chairperson which reflect that the case is being dismissed contrary to the desire of the complainant. Examples of the reasons for such dismissals include, but are not limited to: the issue being moot, the parent having changed residence, the parent losing educational decision-making rights, and thus having no standing to pursue case, the issues being non-IDEA issues.

Settlement Orders: These are Orders of the chairperson which reflect the fact that the parties entered into a settlement agreement and that the case is being dismissed with prejudice based on that agreement. These Orders then can serve

as the basis for a prevailing party to seek attorney fee reimbursement from the court if this issue has not been resolved as part of the settlement agreement. These are technically hearing decisions even though no hearing took place.