

Due Process Hearings FY2011-2012 Special Education Advisory Panel (SEAP/PL 94-142 Advisory Panel) Disclosure December 2012

57 due process hearing requests filed (some of these led to decisions, some were withdrawn, and others are still pending)

- 5 of the 57 were expedited due process hearing requests

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

- 3 decisions after hearing
- 1 dismissals
- 16 settlement orders

41 mediations: 32 filed prior to a due process complaint being filed and 16 lead to a settlement; 8 mediations occurred after the filing of the due process complaint (and of those 2 came to an agreement) and 9 resulted in withdrawal of due process hearing request because the cases settled

Copies of the due process hearing decisions are posted on the web site at:

<http://www.dese.mo.gov/se/compliance/complaint/DPDecisions.html>.

The issues in the cases that went to hearing, included whether the Individualized Education Program (IEP) provided a free and appropriate public education (FAPE), whether the placement was the least restrictive environment, whether the provisions of the IEP were implemented, the appropriateness of the reevaluation, and whether the parents were given access to all the educational records.

Time-lines: 9 exceeded 45 days and 11 were resolved within 45 days.

Time-lines were properly extended in 8 cases.

Time-lines ranged from one case of 14 days to one case over 14 months. The average time line was 86 day (just under 3 months). Cases that went to a full hearing averaged 8 months from filing to decision.

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.