

MISSOURI DEPARTMENT OF ELEMENTARY & SECONDARY EDUCATION
THREE-MEMBER HEARING PANEL (162.961 RSMo)

, a minor student,

Petitioner,

Vs.

Due Process Request of
April 4, 2000

Parkway C-2 School District, and
Special School District of
St. Louis County,

Respondents.

ORDER DISMISSING DUE PROCESS REQUEST

To: Mr. Robert J. Thomaczek
1120 Olivette Exec. Pkwy.
Suite 210
St. Louis, MO 63132

Mr. Ramon Morganstern
200 S. Hanley Rd.
Suite 1103
St. Louis, MO 63105

In response to the Order To Appear And Show Cause, on December 18, 2000, counsel for Respondents faxed to the chairperson the parties' settlement agreement and full release. Therein, in Section 1 (b), the parties agreed to the following: "Parents will withdraw her [sic] request for a three member due process panel hearing that was filed with the Missouri Department of Elementary and Secondary Education on their behalf on or about April 4, 2000, and covenants that they will not file any action, claim, suit, charge, or proceeding against districts, or either of them, for any matter arising prior to the date of this agreement, as above written."

As set forth in the December 12, 2000, Order To Appear and Show Cause, Petitioners have not filed a dismissal of their due process request, although bound to do so by the specific terms of the settlement agreement and full release.

The panel, through it's chairperson, finds that the failure of the Petitioners to file a dismissal of their due process request notwithstanding, the execution of the settlement agreement and full release will be construed by the panel as a dismissal of the due process request.

It is, therefore, the order of the panel, through the chairperson, that Petitioner's request for a due process hearing is hereby dismissed.

Date: December 28, 2000

DAN J. PINGELTON
Chairperson