

May 21, 2003

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**RE: v. SPECIAL SCHOOL DISTRICT OF ST. LOUIS, DUE PROCESS
REQUEST; MOTION TO DISMISS BY DISTRICT**

Dear Folks:

Having notified attorneys of record that this would be the case, in the event no response from the parents to the District's Motion to Dismiss this Due Process Request was received by me by 5:00 PM yesterday, May 20, 2003, you may consider this a **LETTER ORDER GRANTING THE RESPONDENT DISTRICT'S MOTION TO DISMISS, FOR THE REASONS STATED IN SAID MOTION.**

My reading of the pertinent regulations leads me to the conclusion that the District is compelled to maintain the subject records for a period not less than 3 years following the termination of special education services under IDEA.

I will grant the parties, or their respective counsel, one week from today, or by 5:00 PM, Tuesday, May 27, to file for additional continuances, etc., which could allow this matter to go on to hearing. If no such additional pleadings are received by me by that time, this Letter Order will become final.

If there are any questions or objections to the determination made in this correspondence, please let me know post-haste. Otherwise, the file along with this Letter Order, will be posted to Missouri DESE on Wednesday, May 28, 2003. This letter order shall also be considered a cancellation of the hearing and transfer of document timelines already established in this case.

This Letter Order is made unilaterally, by myself, without input from the other respected Panel Members, due to the purely legal nature of the issues presented in the District's Motion to Dismiss.

Sincerely,

David Potashnick, Panel Chairperson
Mo. Bar No. 36642