

**BEFORE THE THREE MEMBER DUE PROCESS HEARING PANEL  
EMPOWERED BY THE MISSOURI STATE BOARD OF EDUCATION  
PURSUANT TO SECTION 162.961, RSMO**

<b>IN THE MATTER OF:</b>	)	
, by and through his parents,	)	
	)	
Petitioners,	)	
	)	
vs.	)	Margaret M. Mooney, Chair
	)	
St. Clair R-XIII School District,	)	
	)	
Respondent.	)	

**COVER SHEET**

PETITIONER

Student's Name:  
DOB:  
Grade Level: Seventh

Parent's Name(s):  
Address:

Representative: Dayna F. Deck, attorney

Address: 393 N. Euclid, Suite 245  
St. Louis, MO 63108

RESPONDENT

Local Education Agency: St. Clair R-XIII School District  
(LEA)  
Address: St. Clair, Missouri

Representative: Tom Mickes, attorney

Address: DMJUBG  
17107 Chesterfield Airport Rd., Ste. 300  
St. Louis, Missouri 63005

Hearing Dates: None  
Date of Dismissal: 5/9/06  
Panel Members: Ms. Karen Schwartz  
Dr. Patty Smith  
Ms. Margaret M. Mooney, Chair

### **ISSUES AND PURPOSE OF HEARING**

Parents sought a hearing because of excessive days of suspension and no appropriate manifestation determination, functional behavior assessment or behavior intervention plan. They requested compensatory services, a functional behavior assessment, positive behavior support plan and reimbursement of attorney's fees and expenses

### **TIME LINE INFORMATION**

Parent's request for a due process, through legal counsel, Dayna F. Deck, was received by the Department of Elementary and Secondary Education on March 6, 2006. By e-mail dated March 21, 2006, Parents through Ms. Deck requested a continuance. The District did not oppose the continuance. The hearing was set for May 9, 2006. The time for the decision was set as June 30, 2006. The parties engaged in settlement negotiations and on April 19, 2006 Parents requested a further 60 day extension of the time lines. An Order was entered on April 19, 2006 cancelling the May 9-10, 2006 hearing dates and extending the time line for decision through August 29, 2006.

On May 5, 2006 Parents notified the Chair that this matter was dismissed. On May 9, 2006 the Chair entered a dismissal of the Due Process.

