

**BEFORE THE MISSOURI DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION EXPEDITED HEARING PURSUANT
TO 162.961 – 162.963 R.S.MO.**

by and through ,)
Parent)
)
v.)
)
Ethel Hedgeman Lyle Academy,)
Charter School)

Decision

Issue

Complaint received herein on April 5, 2010 stating that parent requested an evaluation of the student with disabilities on October 1, 2009. No evaluation has been made and, the student is not presently receiving special education services.

Student received 10 day suspension in February 2010 and, March 2010. Subsequent to the 10 day suspension in March the parent was notified that the school was pursuing a long term suspension of student. Parent received notice on April 3, 2010 that student was withdrawn from the school for disciplinary reasons. Student’s complaint seeks a special education evaluation, placement in school and compensatory education.

Facts

A resolution session was held on April 16, 2010 and, the parties entered an agreement concerning the issues raised by the complaint. Pursuant to the agreement the attorney for the student has filed a Motion to Dismiss the pending Complaint with prejudice.

Decision

Petitioner's Motion is granted and, the pending Complaint is dismissed with prejudice.

Time Line

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| 04/05/10 | Complaint received. |
| 04/16/10 | Resolution agreement entered. |
| 04/20/10 | Petitioner's Motion to Dismiss with Prejudice granted. |

So Ordered,

Patrick O. Boyle
Chairman of the Three-Member Due Process Panel
755 Rue St. Francois
Florissant, MO 63031
Phone: (314) 838-4500 Fax: (314) 838-7727

Dated: April 20, 2010