

**BEFORE THE THREE MEMBER DUE PROCESS PANEL
EMPOWERED BY THE MISSOURI DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION AND THE MISSOURI STATE BOARD OF EDUCATION
PURSUANT TO RSMo. § 162.961 AND 20 U.S.C. § 1415**

████ BY AND THROUGH HIS)
PARENT/GUARDIAN, █████, AND █████,)
)
PETITIONERS)
)
vs.)
)
WELLSVILLE MIDDLETOWN R-1 SCHOOL)
DISTRICT AND ITS BOARD OF EDUCATION,)
)
RESPONDENTS.)

Filed: May 24, 2011

ORDER NUMBER 3

TIMELINE

Petitioners filed a request for due process on May 24, 2011. On June 1, 2011, that due process hearing request ("Complaint") was assigned to the undersigned Hearing Chairperson. On June 8, 2011, the parties held a resolution session. The 45-calendar day timeline for issuing a final decision commenced on June 23, 2011. A pre-hearing telephone conference was held on July 1, 2011, at 3:30 p.m. Respondents did not participate and subsequently informed this Chairperson they would not participate. On July 1, 2011, a request for an extension was requested by Petitioners for a decision to be rendered on or before August 8, 2011. This request was granted and a hearing was set for August 8. A scheduling order was issued by this Chairperson on July 6, 2011.

On July 5, 2011, Respondents filed a Motion to Recuse this Chairperson. On July 12, 2011, Respondents filed a Petition for Preliminary and Final Writ of Prohibition in the Nineteenth Circuit Court of Cole County which in essence requested the recusal of this Chairperson, Case No. 11AC-CC00458. The named Defendants were this Chairperson, the Missouri Department of Elementary and Secondary Education, Stephen Barr, and the Missouri State Board of Education. A preliminary order of prohibition was issued that same day which prohibited the Defendants from all action in the premises. On August 4, 2011, this Chairperson received Notice that on July 28, 2011, the Circuit Court entered an order dismissing the Petition for Preliminary and Final Writ of Prohibition and dissolving the preliminary order of prohibition which had been entered.

On August 5, 2011, this Chairperson reviewed various pending matters which are addressed in this Order.

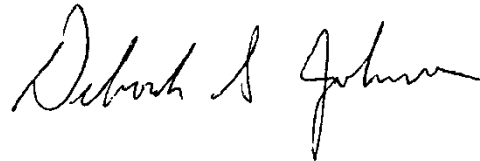
DISMISSAL

On July 28, 2011, Respondents sent a letter to this Chairperson requesting this matter be dismissed with prejudice and enclosing a Notice of Dismissal with Prejudice that was signed by Petitioner on July 25, 2011. Pursuant to this Notice, Petitioners' Due Process Complaint filed May 24, 2011, is dismissed with prejudice pursuant to the resolution agreement between the parties.

MOTION TO RECUSE THIS CHAIRPERSON

Respondents' Motion to Recuse this Chairperson, filed on July 5, 2011, is deemed abandoned, and is therefore, denied.

It is so Ordered, this 5th day of August, 2011.



CHAIRPERSON

Copies sent via email and U.S. Mail, this 5th day of August, 2011, to:



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