

**BEFORE THE THREE MEMBER DUE PROCESS HEARING
PANEL PURSUANT TO RSMo §162.961**

STUDENT COMPLAINANT;)	
by her mother; PARENT)	
COMPLAINANT)	
)	
Complainants)	
)	
)	
)	
v.)	
)	
)	
SPECIAL SCHOOL DISTRICT)	Complaint
Received by		
OF ST. LOUIS COUNTY,)	DESE on
June 21, 2011		
)		
Respondent)	

FINAL DECISION AND ORDER OF DISMISSAL

Robert E. Lehrer, Chairperson, Hearing Panel

I. Introduction

The complaint in this proceeding (“SC”) under the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. §§1400 *et seq*, was filed on June 21, 2011.

By this Decision and Order, all of complainants’ claims are being dismissed with prejudice.

The student complainant in SC is SC. SC attends a school in a district in the St. Louis Metropolitan area. Her mother, PC, is also a named complainant.

The respondent is the Special School District of St. Louis County (“SSD”).

II. The Complainants’ Motion to Dismiss With Prejudice.

On October 27, 2011, PC transmitted to the hearing officer a facsimile cover page, the text of which stated, in relevant part, as follows: “Re: June 2011 due process complaint. Here is the dismissal of same. PC.” The “dismissal” referenced in this text (the “dismissal filing”) was not itself transmitted to the hearing officer in the first instance, but only to the Missouri Department of Elementary and Secondary Education, the state agency for the IDEA program. However, the dismissal filing was transmitted to the hearing officer the following week (the week of October 30). It read as follows: “Comes now Complainant and dismisses Respondent Special School District of St. Louis County (“SSD”) and [a local school district in the St. Louis Metropolitan area] from these proceedings, with prejudice.”¹

The hearing officer treats the dismissal filing as Complainants’ Motion to Dismiss SC With Prejudice (“Motion to Dismiss”).

III. Order

It is hereby ORDERED, ADJUDGED, AND DECREED that the Motion to Dismiss is granted and all of complainants' claims are dismissed with prejudice.

Dated: 11/8/11

Hearing Panel

Robert E. Lehrer
Chairperson,

¹ The hearing officer had ruled that the referenced local school district was a constituent entity of SSD for purposes of this case. Therefore, the reference to the dismissal of claims against it was appropriate.