

**THREE-MEMBER DUE PROCESS HEARING PANEL
EMPOWERED PURSUANT TO 162.961 R.S.MO.**

Hearing Decision

Student's Name:

Parent's Name:

Local Education Agency:

Hickman Mills C-1 School District
9000 Old Santa Fe Road
Kansas City, MO 64138-3913

Representative:

Linda J. Salfrank
Trina Ricketts LeRiche
Blackwell Sanders Peper Martin
2300 Main Street, Suite 1000
Kansas City, MO 64108

Date of Report: March 14, 2000

Hearing Officers:

Patrick O. Boyle, Chairman
Marc Montgomery
Jerry Wright

**Three-Member Due Process Hearing Panel
Empowered Pursuant to 162.961 R.S.Mo.**

Hearing Decision and Order

This matter is before the Chairperson of the three-member due process panel on the Local Education Agency (L.E.A.) motion to dismiss.

Facts

1. Parents' request for a due process hearing was received by the Department of Elementary and Secondary Education (D.E.S.E.) on October 1, 1999.
2. On October 26, 1999 the L.E.A. filed its request for a complaint in compliance with the requirements of 34 C.F.R. 300.507(C)(2) and, a request that the time for decision be extended to February 1, 2000.
3. An extension of time for decision to February 1, 2000 was granted by the Chairperson of the three-member panel on November 3, 1999.
4. The L.E.A. filed its motion dated December 29, 1999 to dismiss this pending due process proceeding based upon parents' failure to file a complaint in compliance with 34 C.F.R. 300.507(C)(2) and upon the statement that the issue of placement raised in parents' request of October 1, 1999 was moot. L.E.A. stated that the placement sought had been made at an IEP meeting held November 30, 1999.
5. On December 30, 1999 the Chairperson entered an order allowing parents time to January 12, 2000 in which to respond to the L.E.A. Motion to Dismiss.
6. Parents sole contact with the Chairperson of the three-member panel is a letter dated January 12, 2000 requesting an extension of time for decision in order to seek legal counsel.
7. On January 28, 2000 the Chairperson entered an order extending the time for decision to April 3, 2000 and, allowing the parents additional time to January 31, 2000 in which to respond to the Motion to Dismiss.
8. On February 2, 2000 the L.E.A. requested a hearing setting of March 29 and 30, 2000 and, that the time for decision be extended to May 3, 2000.
9. On March 1, 2000 the L.E.A. filed a request for a decision on its Motion to Dismiss.
10. On March 2, 2000 the Chairperson entered orders setting the hearing for March 29 and 30, 2000 and extending the time for decision to May 1, 2000.

11. On March 2, 2000 the Chairperson entered an order directing the parents to show cause on or before March 13, 2000 why the pending Motion to Dismiss should be denied.
12. Parents have never responded to the L.E.A. Motion to Dismiss.

Decision

Parents have failed to pursue their request for a due process hearing and, there are no issues for a three-member panel to decide under the present state of the pleadings. Parents' request for a due process hearing received October 1, 1999 is dismissed.

Appeal Procedure

Either party has the right to appeal this decision within 30 days to a State Court of competent jurisdiction pursuant to Chapter 536 of the Revised Statutes of Missouri, or to Federal Court.

Panel

Patrick O. Boyle
Chairman of the Three-Member Due Process

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