

**BEFORE THE THREE-MEMBER DUE PROCESS HEARING PANEL  
CONVENED PURSUANT TO RSMO. § 162.961**

, by and through

his parent and legal guardian

,

Petitioners,

vs.

LAFAYETTE COUNTY C-1 SCHOOL DISTRICT

Respondent.

**COVER SHEET OF PERSONALLY IDENTIFIABLE INFORMATION**

The parties to this hearing are:

, Student

DOB:

Grade Level:

Lafayette County C-1 High School

Lafayette County C-1 School District

Mr. , Father/Guardian

Mr. Herbert V. White, Jr.

Chionuma & Associates, P.C.

Attorney for Petitioners

1800 Mercantile Tower

1101 Walnut Street  
Kansas City, MO 64106

Lafayette County C-1 School District  
by Virginia Ann Annett, Director of Special Services

Ms. Teri B. Goldman  
Mickes, Tueth, Keeny, Cooper, Mohan & Jackstadt, P.C  
Attorneys for Respondent  
Suite 500, 720 Olive Street  
St. Louis, Missouri 63101

**BEFORE THE THREE-MEMBER DUE PROCESS HEARING PANEL  
CONVENED PURSUANT TO RSMO. § 162.961**

, by and through

his parent and legal guardian

,

Petitioners,

vs.

LAFAYETTE COUNTY C-1 SCHOOL DISTRICT

Respondent.

**ISSUES AND PURPOSE OF THE HEARING**

The issues as agreed at the start of the hearing are as follows:

1. Whether the Lafayette County C-1 School District provided appropriate transition services to through his IEPs during the 1998-1999 and 1999-2000 school years;

2. Whether the transition services in the IEPs were implemented;
3. Whether 's parents were accorded the parental right of participation in the IEP process during the 1998-1999 and 1999-2000 school years; and
4. Whether had satisfied the District's credit requirements for graduation from high school with a regular diploma.

### **TIME-LINE INFORMATION**

The initial request for hearing was received by the Department of Education on May 3, 2000. Prior to the expiration of the 45-day time line, or on May 23, 2000, the Chairperson received a request from the School District that the hearing be convened on June 20, 2000 and that the statutory time line for a decision be extended through July 21, 2000. This request was granted in the Chairperson's "Scheduling Order" entered on May 24, 2000. At the close of the hearing on June 21, the parties agreed to extend the time line for the issuance of the Panel's opinion to July 31, 2000.

The hearing commenced on June 20, 2000, starting at 9:00 a.m. and concluded on June 21, 2000.

### **FINDINGS OF FACT**

1. This matter involves the education of ("") and is before the three-member due process hearing panel empowered pursuant to 20 U.S.C. =A7 1415 and RSMo. 162.961. 's attorney indicated in his request for due process on behalf of and 's father, , that the issues for the Panel's consideration were: (1) whether the Lafayette County C-1 School District provided appropriate transition services to through his IEPs during the 1998-99 and 1999-2000 school years; (2) whether the transition services in the IEPs were implemented; and (3) whether 's parents, and , were accorded the parental right of participation in the IEP process during the 1998-99 and 1999-2000 school years. Prior to and at hearing, the

District raised the additional issue of whether had satisfied the District's credit requirements for graduation from high school with a regular diploma.

2. \_\_\_ is a student with disabilities for purposes of the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. 1400 et seq.

3. Petitioner, , by and on behalf of , brought this action pursuant to the IDEA challenging the District's IEPs for with respect to transition services.

4. Mr. first requested a due process hearing on May 3, 2000.

5. Prior to the hearing, but after turned eighteen, Mr. obtained a legal guardianship with respect to .

6. On or about May 3, 2000, the Missouri Department of Elementary and Secondary Education ("DESE") empowered a three-person due process hearing panel pursuant to RSMo. 162.961. Benjamin Franklin, the Assistant Director of Special Education for the Springfield, Missouri public school system, and Beth Mollenkamp, with the St. Louis Regional Center, served as members of the Panel which George, Bude, Esq. was appointed to chair.

7. On or about June 6, 2000, the District filed a motion to dismiss those issues raised by Petitioners which were not justifiable pursuant to the IDEA. (Ex. R-163). At hearing, Petitioners' counsel conceded that the specified issues raised in the motion were not appropriately before the Panel and the Panel Chair, Mr. Bude, therefore, dismissed those issues.

8. The hearing was held on June 20-21, 2000. Both parties were represented by legal counsel and had the opportunity to call and cross-examine witnesses. Petitioner was represented by Herbert White, Jr., Esq. The District was represented by Teri B. Goldman, Esq. Only two of Petitioners' exhibits were admitted. Respondent's Exhibits 30, 31, 43, 46, 51, 57, 65, 66, 67, 76, 80, 81, 83,

87, 90, 93, 94, 103, 105, 115, 120, 122, 126, 132, 134, 136, 137, 140, 152, 154, 155, and 157 were admitted without objection. The hearing was open at Petitioners' request.

9. \_\_\_ is an eighteen year old (DOB: ) male student who currently resides with his father, , in the Lafayette County C-1 School District in Higginsville, Missouri.

10. In 1993, was involved in a pedestrian/vehicle accident. After being transported to the hospital, was in a coma for approximately six weeks and also suffered a stroke during his hospitalization. suffered a closed head traumatic brain injury. After being released from the hospital, returned to his home and the District prepared an IEP for him as a student with the IDEA educational disability of traumatic brain injury ("TBI").

11. On or about August 13, 1996, 's IEP team developed an IEP for his 9th grade year. Mr. , Ms. and attended and participated in the IEP meeting. In the present level of educational performance, the IEP notes that the IEP will include beginning goals for instruction and development of employment and post-secondary options and, more specifically, notes that 's goal is to attend a post-secondary program after graduation. The IEP also indicates that the District has provided with the use of an ergonomic chair and armrest and that is to receive occupational, physical and speech therapies. Ex. R-30.

12. The August 1996 IEP also states that has a need for transition services in the areas of instruction and the development of employment and other post-secondary adult living objectives. The IEP provides for a personal assistant, an assignment notebook and further indicates that any inappropriate behaviors will be addressed through participation in the Individual Alternate Strategies program. The August 1996 IEP contains goals and objectives in the areas of developing a personal study plan, recognizing a realistic perception of one's own abilities, identifying the responsibilities of independence and the problems of over-dependence, increasing personal organizational skills, identifying and exploring areas of employment

interest and selecting an appropriate post-secondary program. Ex. R-30. The Panel finds that the August 1996 IEP provides with a free appropriate public education in the least restrictive environment and further finds that and his parents were accorded full rights of participation under the IDEA. More specifically, the Panel finds that the August 1996 IEP provides appropriate transition services for and also finds that the District fully implemented all specified transition services.

13. In the Spring of 1997, the District conducted a three-year reevaluation of . Ex. R-43. During that reevaluation, the District administered the IDEAS Interest Inventory test to to determine his interests with respect to future vocations. The test showed that 's high interest areas included public speaking, writing, art and protective services. Ex. R-43.

14. During the summer of 1997, the District funded an extended school year placement for at Longview Community College in the ABLE program. (Ex. R-31). The ABLE program is a program for college-age students with disabilities, the purpose of which is to teach those students the skills they need for success in college or vocational programs and at work. Although the ABLE program is designed for college-age students, District representatives requested that be allowed to attend while he was in high school. Ex. R-46. During the summer of 1997, attended the program and lived with a relative during the program's duration. He took three courses and received an A, B and C. Ex. R-47. The District included those courses on 's transcript and counted those courses towards his graduation requirements.

15. On or about August 19, 1997, 's IEP team met to develop an IEP for his 10th grade year. Mr. and attended and participated in the IEP meeting. The IEP present level of educational performance indicates that has not yet chosen a career path, but his tested interests included public speaking, writing, art and protective services. Ex. R-51. The IEP also provides for to receive occupational, physical and speech therapies. In addition, the IEP contains a statement of needed transition

services in the areas of instruction, and the development of employment and other post-secondary adult living objectives. Further, the IEP notes that uses specialized computer hardware and software at school, is to use a planner to record assignments and that staff will utilize an anger control system with him with respect to controlling verbal outbursts. The August 1997 IEP contains goals and objectives relating to solving problems dealing with consumer living and needs, developing organization skills, developing time management skills and study skills, developing a realistic perception of his own abilities, developing personal organizational skills, continuing to identify and explore employment interests and post-secondary programs and improving speech intelligibility. The Panel finds that the August 1997 IEP provides with a free appropriate public education in the least restrictive environment and further finds that and his parents were accorded full rights of participation under the IDEA. More specifically, the Panel finds that the August 1997 IEP provides appropriate transition services for and also finds that the District fully implemented all specified transition services.

16. On or about February 6, 1998, 's IEP team convened to update the August 1997 IEP. Mr. and attended and participated in that meeting. Ex. R-51.

17. On or about September 1997, the District referred to the Center for Assistive Technology for an adaptive computer assessment to identify what, if any, assistive technology or computer adaptations would be helpful to. Ex. R-57. The report that was generated as a result of that assessment indicates that 's then current computer adaptations included a computer with hardware and software, an Intellikeys keyboard, a trackball and Handiword word prediction software. In addition, the assessment notes that, at that time, the District was plugging all 's computer equipment into one power strip to allow to turn the computer on and off with only one switch. The assessment further indicates that, at school, had the use of an ergonomic chair and an adjustable computer table. The assessment noted that 's goal with respect to computers was to be more independent. Ex. R-57.

18. On or about May 14, 1998, 's IEP team convened to discuss summer programming for . Ex. R-65, 66. Mr. did not want to participate in a second summer of the ABLE program at Longview Community College. Thus, he informed the District that he was going to have participate in a life skills program through the Kansas City Regional Center. In response, the District offered the opportunity to participate in the District's Summer Academy course offerings. Although Mr. did not inform the District in advance, attended the first day of that program. The District, therefore, immediately developed a schedule for him that included physical therapy, speech therapy, job shadowing and physical education. In addition, during the summer of 1998, the District funded a several week program for at the Rehabilitation Institute in Kansas City for life skills training. Ex. R-65, 66.

19. On or about November 19, 1998, 's IEP team reconvened to develop an IEP for the 1998-99 school year. At that time, was a high school junior. 's IEP indicates that 's long range goal was to attend college for training for future employment Ex. R-80. The IEP further contains a statement of transition service needs with respect to 's course of study and outlines the junior and senior year courses that would need to successfully complete for high school graduation in May 2000. More specifically, the outlined course of study includes courses in family relations, personal finance, special math, study skills, foods and senior seminar. In addition, the transition component of the IEP includes coordinated transition strategies consisting of enrollment in college preparatory and general curriculum courses, developing e-mail and pen pals and other relationships outside of school, job experiences, attending a Rehabilitation Institute support group, working with a school to work facilitator in job exploration and career counseling, and receiving consumer and family issue instruction. The IEP anticipates a functional vocational assessment through Vocational Rehabilitation and calls for to begin an independent study of drivers' education. It also indicates coordination with outside agencies such as Rehabilitation Institute, Vocational Rehabilitation and the Department of Mental Health. The IEP contains goals and objectives in fundamental consumer math, budgeting, banking, and independent study skills. The IEP also provides for textbooks on tape and the use of the Dragon Dictate word prediction

software. Significantly, the IEP notes that is making progress on and/or mastering the various goals and objectives contained within the IEP. Ex. R-80.

20. Mr. and attended and participated in the IEP meeting of November 19, 1998. In addition, representatives from Vocational Rehabilitation and Marjorie Ritter from the Lafayette County Board of Sheltered Services as well as the District's school-to-work facilitator attended and participated. The Panel finds that the November 1998 IEP provides with a free appropriate public education in the least restrictive environment and further provides for appropriate transition services that were fully implemented by the District. In addition, the Panel finds that Mr. , and the advocates and other individuals they invited to the IEP meeting were accorded full rights of participation under the IDEA.

21. In February 99, the District provided the with information regarding how could take the ACT test with modifications and also sent an application for that test. Ex. R-87, 90, 94. did take the test with accommodations and received a composite score of 15. Ex. R-103. At hearing, the High School Principal, Joe Mintner, testified that an ACT score in that range would be sufficiently high for to be admitted to a junior college and some four-year colleges.

22. During the Summer of 1999, the District provided with extended school year services at the Rehabilitation Institute in Kansas City. The District funded the program as well as the transportation for that program.

23. In August 1999, the District held an additional meeting concerning . In addition to District staff, Mr. and , the following other individuals attended and participated: Mike Doss and Yvonne Guyton from the Kansas City Regional Center, Marjorie Ritter, and Rand Hodgson, a private advocate for the family. Ex. R-115. At that meeting, Mr. expressed concern that needed a class to teach him life skills. In response, District staff informed him that the child development class in which was then enrolled covered those matters. In addition, the group discussed the possibility of attending Longview Community College. At that meeting,

Mr. informed the group that he was taking to Children's Mercy Hospital where he was receiving additional assistance with respect to transition strategies, career, independent living and social skills. Ex. R-115.

24. On or about September 15, 1999, Mr. communicated with the District and informed District administrators that it was his intention to maintain in school until he turned twenty-one years of age so that he could get the transitional skills, daily living skills and social skills Mr. believed he needed to be as productive as he could be. Ex. R-120.

25. At Mr. ' request, the District held an additional meeting on September 15, 1999. Marjorie Ritter attended that meeting as did Mr. 's mother participated by telephone. was not allowed to attend the meeting at his father's request. Ex. R-122. At that meeting, Principal Minter provided the team with a copy of 's transcript and noted that he lacked only 2.5 credits to graduate and was in line for graduation in December 1999. At that time, had a GPA of 2.36. After discussion, the team agreed that, during his senior year, should focus on post-graduation matters and preparation for college. The team agreed to reconvene for an additional meeting so that representatives from Vocational Rehabilitation could be present to further discuss transition needs. Ex. R-122.

26. On or about October 5, 1999, the District held another IEP meeting for . Ex. R-126. The IEP prepared on that date notes that 's post-school goal was to attend college. The present level of performance section of the IEP notes that had progressed from needing a one-on-one paraprofessional to being independent in school. In addition, the present level notes that is able to participate in the general curriculum with the exception of math. The IEP indicates that 's future plan is to attend college and live on campus and that his areas of interest are music and drama. At that time, the IEP states that was exploring college programs at Westminster College and Longview Community College. In addition, the IEP provides assistance for to explore the financial assistance he would need for his post- secondary education. The IEP also provides for a vocational evaluation during

's senior year. However, at hearing, the District's Director of Special Education, Virginia Annett, testified that Vocational Rehabilitation would not complete that evaluation during the 1999-2000 school year because Mr. would not provide the requisite written permission.

27. The October 1999 IEP contains goals and objectives with respect to demonstrating understanding of the importance of entry level work skills and the ability to identify occupational opportunities. Mr. , , 's mother, Rand Hodgson, the parents' advocate, Marjorie Ritter, and Jason Rogers and Ted Cox from Vocational Rehabilitation attended and participated in the October IEP. did not attend at his parents' request. The Panel finds that the October 1999 IEP provides with a free appropriate public education in the least restrictive environment and contains appropriate transition services that were fully implemented by the District. In addition, the Panel finds that 's parents were accorded the full parental right of participation guaranteed by the IDEA.

28. In December 1999, visited Wentworth Academy to explore that junior college. At hearing, Principal Minter testified that, although he made arrangements with Wentworth for to audit college level courses during the second semester of the 1999-2000 school year as part of his transition planning, Mr. would not give his permission for to participate. Ex. R-132.

29. On December 1, 1999, reached his 18th birthday. Shortly thereafter, Mr. obtained an order of guardianship from the circuit court.

30. On or about December 21, 1999, 's IEP team convened. Ex. R-134. At that meeting, the team added goals relating to exploring financial options and the means for determining financial management for . The December 1999 IEP notes that is eligible for graduation at the conclusion of the semester. Mr. , Rand Hodgson and attended and participated in that meeting. The Panel finds that the December 1999 IEP provided with a free appropriate public education in the least restrictive environment, and further, provided appropriate transition services that

were fully implemented by the District. In addition, the Panel finds that and his parents were accorded full rights of participation as guaranteed by the IDEA.

31. On December 21, 1999, 's team determined that he was eligible for a change of placement pursuant to the IDEA to graduation in May 2000. The District prepared and provided Mr. with a written notice of action to that effect. Ex. R-137.

32. At the December 1999 IEP meeting, Mr. objected to 's graduating with his class and expressed his desire for to stay in the high school setting until age twenty-one. In an effort to reach a compromise, the District offered to allow to attend through January 2001, with services to be provided, inter alia, through a junior college setting. Mr. rejected that proposal.

33. On or about January 7, 2000, the District received a written decision regarding a child complaint filed on November 10, 1999 by Mr. with the Missouri Department of Elementary and Secondary Education. Ex. R-140. In that child complaint Mr. alleged, inter alia, that the District failed to appropriately address transition services for in his IEP. In response, DESE concluded that the District was in compliance with the IDEA with respect to transition services and, more specifically, noted that all required components relating to transition planning were addressed in 's IEPs. Ex. R-140.

34. On or about May 3, 2000, Mr. , through his attorney, Herbert White, requested a due process hearing pursuant to the IDEA and invoked the stay-put provision of the IDEA.

35. At hearing, the District introduced 's high school transcript into evidence. Ex. R-152. Principal Minter testified that the transcript demonstrated that had satisfied all District and state requirements for receipt of a high school diploma. The Panel finds that the evidence at hearing, including the transcript, conclusively establishes that is eligible to receive a regular high school diploma and was so eligible in December 1999. The Panel further finds that the IDEA's stay-put provision

effectively precluded the District from providing with that high school diploma in May 2000.

## **Discussion:**

### **A. FAPE and Transition Services.**

The Individuals with Disabilities Education Act guarantees all students with disabilities in participating states the right to a free appropriate public education ("FAPE"). 20 U.S.C. =A7 1412. A FAPE includes special education and related services that are individually designed to meet a disabled student's unique needs and that are reasonably calculated to provide the student with educational benefit. 20 U.S.C. =A7 1414; Bd. of Educ. of Hendrick Hudson Sch. Dist. v. = Rowley, 458 U.S. 176, 206-07 (1982). The FAPE required by the Act is tailored to the unique needs of the disabled student by means of an individualized education program ("IEP"). 20 U.S.C. =A7 1401. The IEP = is prepared at a meeting between representatives of the state or local educational agency, the child's teachers, the child's parents or guardian, and where appropriate, the child.

Although an educational benefit must be more than de minimis to be appropriate, Doe v. Bd. of Educ. of Tullahoma City Schls., 9 F.3d 455, 459 (6th Cir. 1993), cert. denied, 128 L.Ed.2d 554 (1994), an appropriate educational program is one that is "reasonably calculated to enable the child to receive educational benefits." *Rowley*, 458 U.S. at 206.

In addition, the IDEA in effect at the relevant time required that, beginning at age 16, the IEP must contain a statement of needed transition services for the student. 20 U.S.C. 1414(d).

The case of *Fulton County Sch. Sys.* is particularly instructive with respect to the issue of appropriate transition planning under the IDEA. 29 IDELR 1031. In that case, an administrative law judge concluded that the school district provided

appropriate transition services to a high school student with traumatic brain injury. The student's IEP called for the student to receive instruction in study skills, English, personal management, work-study, keyboarding, independent living skills and provided for the related services of occupational, physical and speech therapies. The transition plan contained within the IEP emphasized community-based instruction, transition, life skills and vocational training. Moreover, the district had an outside comprehensive computer evaluation conducted and, as a result of that evaluation, the student was provided with a laptop computer with a word processing program and a word prediction program. In addition, the district provided other software programs and a "track ball" for the student so that he could more easily work with the computer. The district also purchased a customized chair and desk to accommodate the student's needs.

Prior to the 1996-97 school year, the student's parents insisted that her IEP not focus on independent living skills and further insisted that the district provide the student with a college preparatory program. At an IEP meeting during the 1996-97 school year, the district also urged the parents to permit a vocational assessment. The IEP developed at that meeting included a transition plan that specified that the student would explore available leisure groups in the community and that she would learn to access services for people with special needs. The student was enrolled in a personal management class which helped her to increase her ability to act independently through role-playing and covered such topics as social interaction, job skills interview etiquette, and time management. The IEP further provided for work-site experience and open referral to outside agencies. Indeed, the district made referrals to the department of Vocational Rehabilitation. However, the student and parent rejected those services and withdrew the student from school in February 1997.

In spite of the student's withdrawal, his IEP team prepared an IEP for the 1997-98 school year which proposed that the student be taught in a community based program for that year and included a transition plan that included objectives for vocational training, supportive employment, social skills, living arrangements,

leisure resources and community resources. The parent also rejected that IEP.

In concluding that the district offered FAPE, the administrative law judge noted that, for some students, the special education provided might constitute transition services. As noted by the ALJ:

Special education itself, *i.e.*, courses offered in school, may count as transition services for a student with disabilities. Services that fall within the scope of special education may be considered “transition services” to which the student is entitled. For example, instruction to prepare a student for employment or independent living is considered not only to be within the scope of special education but also as transition services. . . . Accordingly, a school system may meet the statutory requirement of “transition services” not by adding additional programming, but merely by continuing the other special education services, provided such services otherwise meet the transition services regulations.

*Id.* at 1038. Because the transition aspects of the IEP were based on the student’s individual needs and took into account her preferences and interests, the IEP complied with IDEA.

## **B. Graduation**

Eligibility for special education services does not continue indefinitely. Under the IDEA, there is no obligation to provide FAPE to students who have graduated with a regular high school diploma. 34 C.F.R. § 300.122(A)(3)(i). Rather, graduation is simply a change in placement, 34 C.F.R. § 300.122 and, once this change in placement occurs, a school district’s legal obligations to a disabled student under the IDEA cease.

Consistent with the notion that children with disabilities should not be discriminated against because of their disabilities, cases consistently provide that an accumulation of the required credits for graduation is sufficient to render a change of placement

to graduation pursuant to the IDEA. *See, e.g., In re Child with a Disability*, 401:220 EHLR (SEA Nov. 15, 1998) (where graduation requirements fulfilled, district was not required to provide post-secondary education); *Hamilton County Sch.*, 23 IDELR 772 (SEA Jan. 29, 1996) (rejecting parents' request for continued services and finding that it was undisputed that student had met all graduation requirements); *In the Matter of H. L. Beaver*, 509:148 EHLR (SEA Aug. 28, 1997) (finding that student's IEP provided FAPE and that he was appropriately graduated).

The Panel concludes that the December 1999 IEP team appropriately changed 's placement to graduation in May 2000. Accordingly, the Panel concludes that the District presented overwhelming evidence that had fully satisfied the District's requirements for graduation with a regular diploma and, therefore, is no longer eligible for the IDEA's statutorily mandated free appropriate public education. Moreover, and contrary to Petitioner's contentions, the District did not predetermine 's change of placement to graduation. Although Mr. Minter informed the members of the IEP team in the Fall of 1999 that had sufficient credits to graduate in December 1999, the IEP team fully discussed graduation as a significant change of placement at the December 1999 IEP meeting and correctly concluded that should graduate with his peers in May 2000.

## **CONCLUSIONS OF LAW**

After due consideration to the evidence presented at hearing, as well as the foregoing findings and conclusions, the Panel makes the following conclusions of law:

1. The Lafayette County C-1 School District provided with FAPE with respect to his transition services during the 1998-99 and 1999-2000 school years and fully implemented his IEPs for those years with respect to transition services.
2. and his parents were accorded full rights of meaningful participation in the development of 's IEPs during the 1998-99 and 1999-2000 school years.

3. The IEP team correctly determined that 's placement should be changed to graduation in May 2000 as had fulfilled all state and federal requirements to receive a regular high school diploma.

4. 's right to a free appropriate public education properly ceased in May 2000 upon what should have been his receipt of a regular high school diploma.

5. Based upon the evidence and the foregoing findings of fact and conclusions of law, the Panel hereby finds in Respondent's favor with respect to each of the issues raised by Petitioners and orders that Petitioners' request for relief is denied. In addition, the Panel finds in Respondent's favor with respect to the issue of graduation and orders that be presented with his high school diploma.

#### **APPEAL PROCEDURE**

**PLEASE TAKE NOTICE THAT THE FINDINGS OF FACT, DECISION, AND RATIONALE CONSTITUTE THE FINAL DECISION OF THE DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION IN THIS MATTER.**

**PLEASE TAKE FURTHER NOTICE** that you have a right to request review of this decision pursuant to the Missouri Administrative Procedure Act, Section 536.010 et seq. RSMo., specifically, Section 536.110 RSMo. which provides in pertinent part as follows:

"1. Proceedings for review may be instituted by filing a petition in the Circuit Court of the county of proper venue within 30 days after the mailing or delivery of the notice of the agency's final decision . . .

The venue of such cases shall, at the option of the plaintiff, be in the Circuit Court of Cole County or in the county of the plaintiff or of one of the plaintiff's residence . . ."

**PLEASE TAKE FURTHER NOTICE** that, alternatively, your appeal may be taken to the United States District Court for the Western District of Missouri in lieu of appeal to the state courts. 20 U.S.C. § 1415.

Dated this \_\_\_\_\_ day of July, 2000.

\_\_\_\_\_  
BENJAMIN FRANKLIN, Panel Member

\_\_\_\_\_  
BETH MOLLENKAMP, Panel Member

\_\_\_\_\_  
GEORGE J. BUDE, Chairperson

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_