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Ms. Teri B. Goldman

Blackwell Sanders Peper Martin

720 Olive Street, Suite 2400

St. Louis, MO 63101

Re: _____ vs. Cassville R-IV School District

MOTION TO DISMISS DUE PROCESS-AMENDED DECISION AND ORDER

Dear Mr./Mrs. _____ and Ms. Goldman:

This letter is sent to the parties to provide the parties with the amended decision as to the Motion to Dismiss Due Process.

The Motion of the School District was served on the parties and the panel by mail on June 1, 1999. The parents served a response entitled "Request to Continue Due Process" on June 18, 1999, which addressed the Motion to Dismiss.

The Panel was empowered to issue a decision in this matter no later than June 30, 1999, after the parties agreed to waive the original decision date and extend to June 30, 1999.

The Panel Chairperson has discussed the Motion and the response with Panel Member Hodgson, but not Panel Member Allee. It is the opinion of the Panel Chairperson that the Motion to Dismiss is properly made in that the panel is without jurisdiction to hear the matter.

The Motion to Dismiss was issued because there are no justiciable issues for which the panel has authority to hold a hearing or issue a decision. The appeal sought consideration of and amendment of the outside independent evaluator's report. Neither of these requests are within the legal authority of the panel to consider. The independent evaluator's evaluation was considered by the District and the panel is not legally able to change the evaluator's report as requested by the parents. Therefore, the panel is without jurisdiction to hear the matter.

Therefore, **the Panel Chairperson is granting the Motion to Dismiss and canceling the hearing scheduled for June 28, 1999.** This matter is closed and by copy of this letter, the Department of Elementary & Secondary Education has been so notified.

Any party wishing to challenge the dismissal of the matter may do so by following procedures available through the Department of Elementary & Secondary Education under the Missouri State Plan for Part B of IDEA or may file for administrative review of the decision pursuant to Section 536.110 RSMo.

If there are any questions, feel free to contact this office.

Sincerely,

Ivan L. Schraeder

Panel Chairperson

cc: Mr. Rand Hodgson, Panel Member

Dr. Terry Allee, Panel Member

Department of Elementary and Secondary Education