

BEFORE THE THREE MEMBER DUE PROCESS PANEL

PURSUANT TO RSMo. §162.961

____, by and through his parent and next friend, ____

Petitioner,

v.

CENTRAL R-III SCHOOL DISTRICT,

Respondent.

ORDER

Having received Respondent's Motion to Dismiss Petitioner's Due Process Complaint in the above styled due process hearing request (attached hereto and made part hereof by this reference as Exhibit "A") on or about April 13, 1998, and having received the Petitioner's response thereto (attached hereto and made part hereof by this reference as Exhibit "B") on April 22, 1998, the Attorney Chairperson of the hearing panel appointed in the above styled matter makes the following decision and order in regard to said Motion to Dismiss;

The due process request under consideration was received on or about February 20, 1998, by the Department of Elementary and Secondary Education in Jefferson City, Missouri. This request consists and Secondary Education in of a due process hearing request notice form signed by __. The closest statement in this due process request to one stating a claim under IDEA is the statement that "Our concerns are based on a history of unfair and unreasonable punishment being given to our son." However, neither the due process request itself nor the Petitioner's response to Respondent's Motion to Dismiss specify or allege a cumulative suspension total of more than ten (10) days per school year nor any itemization of unfair or unreasonable punishments handed down by the school that would constitute a pattern or practice of discriminatory treatment approaching a denial of free and appropriate public education.

Accordingly, the Respondent's Motion to Dismiss Petitioner's Due Process Complaint above styled is sustained and granted with Petitioners being granted leave to refile any amended claims they may have under IDEA or any other statute or regulation available to them for redress of perceived discriminatory or illegal treatment of their son in the public education setting.

SO ORDERED this 22nd day of April, 1998.

David Potashnick, Attorney Chairperson

Three Member Due Process Hearing Panel styled (the student) vs. Central R-III School District

STATE OF MISSOURI

COUNTY OF SCOTT

Subscribed and sworn to before me, a Notary Public, this 22nd day of April, 1998.

Teresa A Holt, Notary Public

Stoddard County, State of Missouri

My Commission Expires 10/7/2000