

Due Process Hearing Decision Summaries

FY 1999-2000

1. **Appleton City R-II School District**

issue: Reimbursement for parent's unilateral private placement (Court had sent this back to hearing panel after panel decided in FY 1997-98 hearing that school district had no duty to evaluate. Court reversed, found parent had not refused an evaluation, and ordered panel to determine if district had failed to offer a free appropriate public education (FAPE) - and if so, if parent had the right to reimbursement for unilateral private placement.

decision: In favor of parent on issue of district failure to offer FAPE.

In favor of school district on issue of reimbursement.

No reimbursement ordered because private school was a parochial school.

timeline: Extended properly. Approximately four months.

2. **Missouri School for the Deaf**

issue: Placement. Parent anticipating a proposed change in placement.

decision: Dismissed case. No proposed change in placement.

timeline: Extended properly. Approximately two months.

3. **Lee's Summit R-VII School District**

issue: Placement. School district proposed change of placement to a "day treatment" program outside the district.

decision: In favor of school district.

timeline: Extended properly. Approximately seven months.

4. **Fort Zumwalt R-II School District**

issue: Free Appropriate Public Education/Methodology - Intensive Discrete Trail Training sought for student with Autism.

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decision: Dismissed case. Parents/child moved out of the school district, thus claim is moot.

timeline: Extended properly. Approximately one year. (Mootness issue argued/briefed for approximately four months of the one year period.)

5. Special School District of St. Louis County/Parkway C-2 School District

issue: Identification category. Parent disagreed with identification as behavior disordered.

decision: Dismissed case. Parent/child moved out of the school district, thus claim is moot.

timeline: Extended properly. Approximately four months.

6. Bismarck R-V School District

issue: IEP/Appropriateness of services and Placement. Parents sought placement at a private agency day treatment program; Parents rejected placement at a cooperative day treatment program.

decision:

- a. In favor of school district on issue of appropriateness of IEP for a three-year period.
- b.. In favor of parents on the appropriateness of district's proposed placement (but panel also found parents' proposed placement inappropriate). Specific compensatory services ordered.

timeline: Extended properly. Approximately 17 months.

7. Lee's Summit R-VII School District

issue: Free Appropriate Public Education (FAPE) - whether student's regression was due to a failure to provide FAPE. Numerous other issues raised, including methodology (intensive discrete trial training for autism), were held to be unnecessary to address since the general FAPE issue was addressed.

decision: In favor of parents on the general issue of denial of FAPE.

timeline: Extended properly. Approximately five months.

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8. Chilhowee R-IV School District

issue: Evaluation and eligibility. Parent contended school district should have evaluated and determined eligible.

decision: In favor of school district.

timeline: Within 45 days.

9. Ft. Zumwalt R-II School District

issue: Related Service (direct music therapy). Parent sought direct music therapy; district was providing integrative/consultative music therapy.

decision: In favor of school district.

timeline: Extended properly. Approximately 17 months.

10. South Iron County R-I School District

issue: Free Appropriate Public Education (FAPE) – Lack of appropriate homebound services.

decision: Dismissed case based on parties' settlement agreement.

timeline: Extended properly. Approximately six months.

11. Van-Far R-I School District

issue: Placement. School district initiated due process after parent refused to consent to proposed residential placement.

decision: In favor of school district.

timeline: Extended properly. Approximately nine months.

12. Waynesville R-VI School District

issue: Placement. Parents objected to change from second grade to first grade.

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decision: In favor of school district.

timeline: Extended properly. Approximately two months.

13. Liberty 53 School District

issue: Identification category, appropriateness of services based on misidentification, IEP participants.

decision:

- a. In favor of parent on identification involving behavior disorder category and in favor of district on identification in LD only in area of written expression (rejecting parents' claim of LD identification for math and reading).
- b. In favor of parents on IEP participants.
- c. In favor of school district on appropriateness of services.

timelines: Extended properly. Approximately six months.

14. Academy of Kansas City Charter School

issue: Identification/Child Find. Parent alleged failure to refer, evaluate and identify a child suspected of a disability.

decision: In favor of charter school. No special education referral was warranted.

timelines: Extended properly. Approximately two months.

15. Hickman Mills C-1 School District

issue: Placement.

decision: Dismissed case. Parents failed to prosecute case or identify issues.

timeline: Extended properly. Approximately five months.

16. Special School District of St. Louis County

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issue: Discipline. Parents protested suspension and sought expungement of records.

decision: Dismissed case. Student had been found ineligible under IDEA, parent/child moved out of state, and panel has no authority to order expungement or amendment of records.

timeline: Extended properly. Approximately nine months.

17. Poplar Bluff R-I School District

issue: Placement. Free Appropriate Public Education (FAPE). Evaluations. School district initiated due process to resolve disputes over the issues; parents later filed for due process, too, and cases were consolidated.

decision:

- a. In favor of district on issue of whether a free appropriate public education was provided.
- b. In favor of both parties on numerous other issues involving specific evaluations needed and training needed in that panel found mutual agreement on these issues.

timeline: Extended properly. Approximately six months.

18. Hickman Mills C-1 School District

issue: Section 504 eligibility and services.

decision: Dismissed case. No jurisdiction over Section 504.

timeline: Approximately two months.

19. Hannibal 60 School District

issue: Free Appropriate Public Education and continued eligibility: whether student was provided an appropriate program and whether he was properly exited from special education.

decision: In favor of school district.

timeline: Extended properly. Approximately 11 months.

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20. Lafayette County C-1 School District

issue: Transition services (appropriateness and implementation), parent participation in IEP meetings, graduation (whether school district properly proposed change of placement to graduate student).

decision: In favor of school district.

timeline: Extended properly. Approximately two and a half months.

21. Parkway C-2 School District and Special School District of St. Louis County

issue: Appropriateness of services for early childhood special education (parents sought 300 minutes in integrated setting); procedural issues (time-line for IEP meeting; maintaining continuum of placement options; placement discussions prior to IEP meeting).

decision:

- a. In favor of parents on issue of additional 300 minutes of "regular education."
- b. In favor of school districts on procedural issues.

timeline: Extended properly. Approximately nine months.

22. Parkway C-2 School District and Special School District of St. Louis County

issue: Identification of student as disabled after transfer into school district and provision of free appropriate public education. Reimbursement for private placement sought.

decision: In favor of parent. Child's identification as a student with a disability was delayed as was reevaluation and provision of an adequate IEP. Reimbursement ordered for 1 and 1/2 years.

timeline: Extended properly. Approximately nine months.