

BEFORE THE THREE MEMBER HEARING PANEL

EMPOWERED PURSUANT TO 162.960 RSMo. 1994

___, Student

Ms. ____, Guardian

and

St. Louis City School District,

Respondent

FINDINGS OF FACT AND DECISION OF PANEL

1. The panel was properly established pursuant to law to conduct the proceeding held on July 7, 1997 at 8:30 a.m. at Gateway Michael High School, 5105 McRee Ave., St. Louis, MO.

2. Respondent was represented by counsel.

3. _ was not represented and did not appear at any time during the hearing. The hearing start was delayed to allow for late arrival.

4. Respondent presented its list of witnesses and its exhibits and amendments to each in a timely manner. Certificates of service are to be made a part of the official record as Exhibit 12.

5. Respondent provided testimonial evidence through its identified witnesses.

6. Respondent provided documentary evidence through Exhibits 1,2,3,4,5,6,7,8,9,10, and 12 which were admitted into evidence for consideration of the panel.

7. Two questions were presented for panel determination as follows:

Is _ disabled so that services should be provided?

If disabled, are the services recommended by Respondent appropriate?

8. As to question for decision #1 that _ is disabled, it is determined that he is disabled as supported by the evidence presented showing a diagnosis of educable mentally handicapped with significant concerns in the areas of speech and language.

9. The panel does not agree with the IEP placement recommendation of a self-contained EMH class as an initial placement due to the following concerns:

The lack of documented alternative interventions; and
the lack of evidence to support the fact that _ could not be successful in a less restrictive placement with appropriate services; and
many of the deficits identified in the evaluation are skills typically taught in the period of time for which the school district cannot account for _ educational program (kindergarten and 1st grade)

10. Therefore, the panel directs that a new IEP be developed which specifies resource level services to be provided. The IEP should be reviewed toward the end of the Fall 1997 semester to determine if resource level services are appropriate. If sufficient progress is not made by _, then the district may implement the original IEP dated 3/26/97 as shown in Exhibit #2.

This decision made this 7th day of July, 1997 is entered by the following panel members.

Concur in Decision:

Dr. Donna Campbell

Dr. Harry Bahr

Mr. Ivan L. Schraeder