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Ms. Margaret Mooney

Lashly & Baer

714 Locust Street

St. Louis, MO 63101-1699

Mr. & Mrs. \_\_\_\_\_

Re: \_\_\_\_\_ vs. St. Louis City School District

**DECISION OF PANEL**

Dear Ms. Mooney and Mr. and Mrs. \_\_\_\_\_:

This letter serves to memorialize the Decision issued by the Panel on June 10, 1999, in the matter related to the Due Process hearing in which a decision had to be announced by the agreed date of June 18, 1999.

The Panel issued its unanimous decision by dictating its decision on the record of the hearing while the parties were present before the panel. The Panel found that the School District erred in the creation of the IEP for the school year 1998-1999. That decision is found on pages 39-40 of the transcript which is copied and enclosed with this letter.

Parties aggrieved by the Panel's decision have the right to appeal to the Department of Elementary & Secondary Education seeking an impartial review of the Panel's decision. Such

appeal shall be filed with DESE, Division of Special Education, PO Box 480, Jefferson City, MO 65102.

Enclosed with this letter is a copy of the transcript for the parents which was requested by the father in a timely manner.

Sincerely,

Ivan L. Schraeder

Panel Chairperson

cc: Ms. Christine Montgomery, Panel Member

Dr. George Yard, Panel Member

Ms. Heidi Atkins Lieberman, DESE

The School District does not interpret the statement on the first page of the IEP of separate school to mean a placement out of the district or in contractual services.

If you read the IEP as a whole, the IEP as a whole indicates that the student will be placed in a self-contained classroom and various interventions will be used and various goals will be established, and at the time the IEP was written, the separate school was felt to be the building which is a separate building of Southwest High School, and that is in the St. Louis City School District.

Mr. Schraeder: Thank you. We're going to go off the record.

Mr. \_\_\_\_: Mr. Chairman, before we go off the record, I want to say I had a response to her statement that's in our exhibit.

Mr. Schraeder: Let's see what the panel does first.

(Thereupon, a recess was had.)

Mr. Schraeder: Let's go back on the record. The panel had requested a short recess in which it discussed what is before the panel today, and the panel is going to be making some findings, and we will allow the parties to put anything into the record they would like to offer, should you

disagree with the findings that we make, so that you can do whatever you need to do subsequent to that.

The panel has determined that based on these findings, we don't need to hear any additional evidence. We will take whatever is offered by the parties and admit it into the record as if it were offered.

Here is what the panel is finding: The panel is finding that the IEP for the 98/99 school year was vague and confusing in such a way that the parents could not exercise the appropriate rights of their child in determining what it was to produce. We are finding, therefore, that the IEP was not properly constructed.

However, the school year has passed us by. The panel is directing the school district and the parents to construct an IEP for the school year 1999/2000 that meets all of the requirements for an IEP construction for a delivery of a free and appropriate education for the student whose education is before us today.

And more specifically, that the placement recommendation and the services to be provided, both for special and regular education, match.