

Due Process Hearings FY 2014-2015

Special Education Advisory Panel (SEAP/PL 94-142 Advisory Panel) Disclosure

December 2015

37 due process hearing requests filed during the school year (some of these led to decisions, some were withdrawn, and others are still pending)

- 1 of the 37 were expedited due process hearing requests

15 due process hearing decisions were issued during the school year (some of these cases were filed in prior fiscal years):

- 2 decisions after hearing
- 10 dismissals
- 3 settlement orders

40 mediations were requested during the school year: 30 filed prior to a due process or child complaint being filed (and of those 26 lead to a settlement); 5 mediations occurred after the filing of the due process complaint (and of those 2 came to an agreement resulting in the withdrawal of due process hearing request); 10 mediations were requested after the filing of a child complaint; 4 requests were withdrawn.

Copies of the due process hearing decisions are posted on the web site at: <http://dese.mo.gov/special-education/due-processchild-complaint/2013-2014-due-process-decisions>

The issues in the cases that went to hearing, included whether the Missouri School for the Severely Disabled (MSSD) was the least restrictive environment for a student; whether MSSD provided FAPE to a student; and a determination that a student must be enrolled in a school district to file a due process complaint against that district.

Time-lines: 1 exceeded 45 days and 1 was resolved within 45 days.

Time-lines were properly extended in 1 case.

Time-lines ranged from one case of 9 days to one case 197 days. The average time line was 57 days (just under 2 months). Cases that went to a full hearing averaged 116 days from filing to decision.

Dismissals: These are Orders of the chairperson which reflect that the case is being dismissed contrary to the desire of the complainant. Examples of the reasons for such dismissals include, but are not limited to: the issue being moot, the parent having changed residence, the parent losing educational decision-making rights, and thus having no standing to pursue case, the parties have settled the case, the issues being non-IDEA issues or the parties failed to follow orders of the Administrative Hearing Commission.

Settlement Orders: These are Orders of the chairperson which reflect the fact that the parties entered into a settlement agreement and that the case is being dismissed with prejudice based on that agreement. These Orders then can serve as the basis for a prevailing party to seek attorney fee reimbursement from the court if this issue has not been resolved as part of the settlement agreement.