

BEFORE THE NEBRASKA DEPARTMENT OF EDUCATION

)	CASE NO. 18-04 SE
)	
)	
Petitioner,)	
)	STIPULATED ORDER AND
vs.)	DISMISSAL WITH PREJUDICE
)	
OMAHA PUBLIC SCHOOLS,)	
)	
Respondent.)	

THIS MATTER came before me on the parties' joint stipulation as follows:

1. Petitioner filed a Due Process Petition in the above captioned matter.
2. Respondent denies Petitioner's claims raised in the Due Process Petition.
3. Petitioner and Respondent have been meeting to resolve the issues raised in the original Due Process Petition, including convening a new IEP meeting.
4. _____ will continue to be placed in the Alternate Curriculum Placement Program at South High Magnet School as set forth in the Individual Education Program ("IEP") adopted on September 26, 2018, until such time as an IEP established otherwise, but in no instance less than for the remainder of first semester of the 2018-2019 school year.
5. Respondent will continue to implement IEP, the Behavior Intervention Plans and Manifestation Determinations.
6. Petitioner will dismiss _____ Due Process Petition in the above captioned matter with prejudice in exchange for the payment by Respondent of Petitioner's reasonable attorney's fee in the amount of \$5,340.00 ("Payment").
 - a. Respondent will issue Payment within 30 days of receipt of both: (1) the dismissal of the Due Process Petition; and (2) and IRS Form W-9 from Complainant's attorney.

- b. Respondent will make payment directly to Seamus Kelly, 2807 South 87th Avenue, #3, Omaha, NE 68124.
- c. Petitioner and/or attorney will be responsible for the payment of any taxes determined to exist on this payment.
- 7. Petitioner and attorney agree to release and waive any claim for additional

attorney fees based on the dismiss Due Process Petition filed herein.

SO ORDERED on December 11, 2018.



Bill Morris, #15124
Hearing Officer
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CERTIFICATE OF SERVICE

I certify that on December 11, 2018, I served a true and correct copy of the foregoing order via email on the following parties:

Seamus Kelly
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Bill Morris, #1512
Hearing Officer