

BEFORE THE NEBRASKA DEPARTMENT OF EDUCATION

	)	Case No. 18-03 SE
	)	
	)	
Petitioner,	)	
	)	
vs.	)	<b>ORDER OF DISMISSAL</b>
	)	<b>WITHOUT PREJUDICE</b>
Elkhorn Public Schools	)	
20650 Glenn Street	)	
Omaha, NE 68022	)	
Respondent.	)	

ON the 28<sup>th</sup> day of January 2019, this matter came before the undersigned Hearing Officer by way of a letter the Hearing Officer received from the Petitioners dated January 24, 2019, wherein the Petitioners request to rescind their complaint (petition) for the reasons stated in their letter, including but not limited to, the Petitioners stating that the Respondent has outlined a plan that satisfies the concerns of the Petitioners and the Petitioners are no longer in need of their Due Process request. A copy of the letter with attachments is attached to this Order. The letter shows that a copy of the letter was sent to the Respondent’s attorney, Justin J. Knight. Mr. Knight sent an email to my paralegal on January 28, 2019 which she forwarded to the Hearing Officer. In the email Mr. Knight stated, in part, “Obviously, the school district has no objection to a dismissal.” Based on the foregoing, the Hearing Officer finds that the Respondent has no objection to a dismissal of Petitioner’s Petition without prejudice.

Being duly advised in the premises, the Hearing Officer finds that the Petitioners’ request to rescind the complaint should be approved and the Petitioner’s Petition be dismissed without prejudice.

IT IS THEREFORE ORDERED that the Petitioners’ Petition is dismissed without prejudice with each party to pay their own costs and attorney fees.

DATED this 1<sup>st</sup> day of February, 2019.

  
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**DENNIS C. TEGTMEIER,**  
 Hearing Officer  
 140 No. 8th Street, Suite 250  
 Lincoln, NE 68508

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FAX (402) 476-7499  
Email: tegtmeierlaw@gmail.com

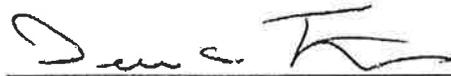
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was duly served on the 15<sup>th</sup> day of FEBRUARY, 2019 via email on:

Petitioner

Justin J. Knight  
233 South 13th Street, Suite 1400  
Lincoln, NE 68508  
jknight@perrylawfirm.com  
Attorney for Respondent

Nebraska Department of Education  
Sara Hulac, Legal Counsel II  
General Counsel's Office  
PO Box 94987  
301 Centennial Mall South  
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DENNIS C. TEGTMEIER, Hearing Officer

January 24, 2019

Dennis Tegtmeier  
Hearing Officer  
140 North 8<sup>th</sup> Street, Suite 250  
Lincoln, Nebraska 68508

RE Case Number 18 – 03SE

Dear Mr. Tegtmeier:

We met with the Elkhorn School District Officials, Mark Kalvoda and Anne Doerr, at the Elkhorn South High School on December 13, 2018 to try and resolve the final issues outlined in our complaint. During the meeting, the one major issue which had not been resolved from our complaint was the issue concerning how the Individualized Education Plans (IEP) is developed and maintained for by the Elkhorn School District. The discussion resulted in a plan for school officials to hold more IEP meetings during the school year to review and monitor progress and if necessary, adjust our IEP during the school year to allow to have achievable goals within IEP.

At this time, we believe the plan outlined by the Elkhorn School District satisfies our concerns and are no longer in need of our Due Process request; therefore, we would like to rescind the complaint. As concerned parents, we are making this request with the understanding the Elkhorn School District is committed to the work they have discussed and documented with us and will follow through by putting these arrangements into effect with an IEP Action Plan.

Please let us know if anything further is needed from us on this issue.

Respectfully,

CC: Justin J. Knight, Elkhorn School District Legal Council  
233 South 13<sup>th</sup> Street, Suite 1400, Lincoln, Nebraska 68508

Attachment: Elkhorn South High School IEP