
Nebraska Department of Education
v. Westside 19-09 SE

Order Granting Petitioner's Motion to Withdraw Petition and Closing Case

Petitioner has moved to withdraw petition on account of the parties having settled their dispute. Respondent has consented. A settlement document is attached to the motion and bears the caption of this case. Neither party has submitted evidence that the settlement provides a FAPE to petitioner's child. I find that the motion should be granted in view of the parties' agreement that the matter has been settled and the petition withdrawn. I make no findings of fact or conclusions of law with respect to the settlement appended to the motion.

Ordered on September 11, 2020, that the petitioner's motion to withdraw petition is granted and the petition withdrawn hereby. This case is concluded.

Bill Morris, Hearing Officer

Attorney at Law

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BEFORE THE NEBRASKA DEPARTMENT OF EDUCATION

)	CASE NO. 19-09 SE
)	
)	
)	Motion to Withdraw Petition
Petitioner,)	
)	
Vs.)	
)	
WESTSIDE COMMUNITY SCHOOLS)	
909 s. 76 TH Street)	
Omaha, NE 68114)	
Respondent.)	

COMES NOW, Petitioner, by and through counsel Seamus Kelly, and respectfully requests the Hearing Officer enter an Order to Dismiss the pending action. In support of this Motion, Petitioner states:

1. Petitioner is mother of _____ a student with a disability who has received services in Westside Public Schools.
2. Petitioner filed a Petition requesting a hearing alleging a denial of FAPE and filed an Amended Petition on or about February 12, 2020.
3. The Nebraska Department of Education assigned this case to Bill Morris as Hearing Officer.
4. This matter has not been set for hearing as parties worked to reach a mutually agreeable settlement.
5. Parties have reached a settlement, a copy of said settlement is filed separately with the Hearing Officer.
6. Parties agree to abide by the terms of said settlement agreement.

WHEREFORE, Petitioner prays the Hearing Office for an Order dismissing the above action according to the terms of the settlement agreement.

Dated this 21st day of July 2020.

/s/ Seamus Kelly

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing was delivered via electronic mail to the following on this 22nd day of July 2020.

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/s/ Seamus Kelly
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