BEFORE THE STATE BOARD OF EDUCATION STATE OF NEBRASKA

))))	CASE NO. 21-04
Petitioner,)	
vs.)	FINAL ORDER
LOUISVILLE PUBLIC SCHOOLS Andrew Farber, Superintendent 202 West 3 rd Street, P.O.Box 489)))	
Louisville, NE 68037)	
Respondent.)	

This matter was filed by the Petitioner in accordance with Title 92, Chapter 61 of the Nebraska Administrative Code, pursuant to Neb. Rev. Stat. §79-239. On March 4, 2021, the Petitioner sent an email to the hearing officer and Respondent's counsel advising that Petitioner wished to withdraw their appeal and dismiss this case without prejudice. The Hearing Officer has recommended withdrawal of the appeal and dismissal of this case without prejudice.

WHEREFORE, the Nebraska State Board of Education finds and orders that the Petitioner's Petition should be and hereby is dismissed.

DATED this 2nd day of April, 2021.

NEBRASKA STATE BOARD OF EDUCATION

Ву:____

Maure I. Nickel

Maureen Nickels, President Nebraska State Board of Education

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Order was mailed by regular United States mail to all affected parties on this and day of April, 2021, at the following addresses:

Bobby Truhe, Esq. KSB School Law, PC, LLO 301 South 13th Street, Ste 210 Lincoln NE 68508

Brenda Livia

BEFORE THE STATE BOARD OF EDUCATION STATE OF NEBRASKA

) CASE NO. 21-04
)
) RECOMMENDATION FOR ORDER OF DISMISSAL
Petitioner,)
)
VS.)
LOUISVILLE PUBLIC SCHOOLS)
Andrew Farber, Superintendent	,)
202 West 3 rd Street, P.O. Box 489)
Louisville, NE 68037)
D 1 /)
Respondent.)

On March 1, 2021, petitioner filed this appeal pursuant to Neb. Rev. Stat. § 79-239 and Title 92, NAC Chapter 61, requesting that the Nebraska State Board of Education reverse respondent's denial of petitioner's application to transfer from Louisville Public Schools to Liberty Elementary School/Omaha Public Schools for the 2021-2022 school year.

On March 4, 2021, petitioner sent an email to the hearing officer and respondent's counsel advising that petitioner wished to withdraw the appeal and dismiss this case without prejudice. Respondent has no objection. Having considered the request to withdraw the appeal and to dismiss this case without prejudice, the hearing officer makes the following recommendation.

Title 92 NAC 61 §§ 006.04 and 006.05 allow for amendments to pleadings with the hearing officer's consent and allow for informal disposition. The hearing officer consents to the filing of petitioner's email requesting withdrawal of the appeal and dismissal of this case without prejudice which has been added to the case file.

The hearing officer recommends that the Nebraska State Board of Education accept the request of petitioner to withdraw the appeal and to dismiss this case without prejudice.

DATED: March 5, 2021.

Jim R. Titus, #16064, Hearing Officer MORRIS & TITUS LAW FIRM, PC, LLO 4645 Normal Blvd., Suite 272 Lincoln, NE 68506 (402) 434-5200 – phone

(402) 434-5209 – fax

jtitus@morristituslaw.com

CERTIFICATE OF SERVICE

I certify that on March 5, 2021, I served a true and correct copy of the foregoing document by email on the following parties:

Scott Summers
General Counsel
Nebraska Department of Education
301 Centennial Mall South
P.O. Box 94987
Lincoln, NE 68509-4987

Bobby Truhe KSB School Law, PC, LLO Cornhusker Plaza 301 South 13th Street, Ste 210 Lincoln, NE 68508 bobby@ksbschoollaw.com

Jim R. Titus, #16064, Hearing Officer