

**BEFORE THE NEBRASKA DEPARTMENT OF EDUCATION  
STATE OF NEBRASKA**

**JEFFERSON COUNTY SCHOOLS** )  
**DISTRICT NO. 48-008,** )  
**Commonly known as** )  
**Fairbury Public Schools** )  
**703 K Street** )  
**Fairbury, NE 68352** )  
  
                  **Petitioner,** )  
  
                  **vs.** )  
  
  
  
  
  
  
  
  
  
                  **Respondents.** )

**CASE NO. 21-05 SE**

**ORDER ON MOTION TO DISMISS  
WITHOUT PREJUDICE**

THIS MATTER comes before the Hearing Officer on Petitioner’s Motion to Dismiss. The Hearing Officer, being fully advised, finds that the above-captioned matter should be dismissed without prejudice.

IT IS THEREFORE ORDERED that the Petition in the above-captioned matter is hereby dismissed without prejudice.

Dated this 2<sup>nd</sup> day of February, 2022.

By: Mona L. Burton  
**Mona L. Burton, #21696 Hearing Officer**  
**ANDERSON, CREAGER &**  
**WITTSTRUCK, P.C., L.L.O.**  
1630 K Street  
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(402) 477-8800  
(402) 477-8868 (facsimile)  
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CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the above and foregoing was duly served on the 2<sup>nd</sup> day of February, 2022, by email:

Karen Haase  
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*/s/ Mona L. Burton*

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Mona L. Burton, #21696

BEFORE THE NEBRASKA DEPARTMENT OF EDUCATION

JEFFERSON COUNTY SCHOOL )  
DISTRICT NO. 48-0008, )  
commonly known as )  
Fairbury Public Schools, )  
703 K Street )  
Fairbury, NE 68352 )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
 )  
 )  
 )  
 )  
 )  
Respondent. )

Case No. 20-01 SE

**MOTION TO DISMISS**

Petitioner, Jefferson County School District No. 48-0008, commonly known as Fairbury Public Schools, by and through its attorney of record, in accordance with Title 92, Chapter 55, of the Nebraska Administrative Code, moves to dismiss this matter on the following basks:

- 1) Respondents, have withdrawn their request for an independent educational evaluation of their at public expense.
- 2) In light of the withdrawal of the Respondent's request for an independent educational evaluation at public expense, the School District is not authorized to continue to maintain a due process proceeding seeking to defend the quality of the district's evaluations.
- 3) The District continues to maintain that its evaluations of were completed in full compliance with Rule 51. This dismissal is in no way an admission on the District's behalf of any deviation from Rule 51 in any respect.

Therefore the Petitioner requests that this matter be dismissed without prejudice.

JEFFERSON COUNTY SCHOOL DISTRICT NO.  
48-0008, commonly known as FAIRBURY  
PUBLIC SCHOOLS, Petitioner

BY: KSB SCHOOL LAW, P.C., L.L.O.  
KAREN A. HAASE, #21003  
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(402) 804-8000

BY:

  
Karen A. Haase

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served upon the following by electronic mail this 28th day of January, 2022:

Mona (Molly) Burton, Esq., Hearing Officer  
Anderson & Creager & Wittstruck PC LLO  
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