

BEFORE THE NEBRASKA DEPARTMENT OF EDUCATION

DAWSON COUNTY SCHOOL)
DISTRICT NO. 24-0011,)
commonly known as)
Cozad Community Schools,)
1910 Meridian Avenue)
Cozad, NE 69130)
)
Petitioner,)
)
)
vs.)
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)
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)
)
Respondent.)

Case No. 22-01 SE

ORDER

This matter comes before the Hearing Officer on the Motion of Petitioner, Dawson County School District No. 24-0011, to dismiss this due process petition due to the Respondent's revocation of consent for special education and related services. The Hearing Officer, being fully advised of the basis for this Motion, hereby finds that said Motion should be granted.

IT IS THEREFORE ORDERED that this matter is dismissed without prejudice.

BY THE HEARING OFFICER:

/s/ Mona Burton
Mona (Molly) Burton, Esq.,
Hearing Officer

Prepared and submitted by:
KSB SCHOOL LAW, P.C., L.L.O.
Jordan Johnson, #26809
301 S. 13th Street, Suite 210
Lincoln, NE 68508
(402) 804-8000

BEFORE THE NEBRASKA DEPARTMENT OF EDUCATION

DAWSON COUNTY SCHOOL)
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Cozad Community Schools,)
1910 Meridian Avenue)
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Case No. 22-01 SE

Petitioner,)

vs.)

MOTION TO DISMISS

Respondent.)

Petitioner, Dawson County School District No. 24-0011, commonly known as Cozad Community Schools, in accordance with Title 92, Chapter 55, of the Nebraska Administrative Code, moves to dismiss this matter on the following basis:

- 1) Respondents, _____, have withdrawn their consent for their _____ to receive special education and related services under the IDEA and Title 92, Chapter 51, of the Nebraska Administrative Code. A true and correct copy of the communications revoking consent for special education and related services is included as Exhibit A.
- 2) In light of the withdrawal of the Respondent's consent for special education and related services, the Respondent's request for an independent educational evaluation is moot. As such 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 Ryley 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.

Dated this 28th day of March, 2022.

DAWSON COUNTY SCHOOL DISTRICT NO.
24-0011, commonly known as COZAD
COMMUNITY SCHOOLS, Petitioner

BY: KSB SCHOOL LAW, P.C., L.L.O.
JORDAN JOHNSON, #26809
301 S. 13th Street, Suite 210
Lincoln, NE 68508
(402) 804-8000

BY: *Jordan Johnson*
Jordan Johnson

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 March, 2022:

Mona (Molly) Burton, Esq., Hearing Officer
Anderson & Creager & Wittstruck PC LLO
1630 K Street
Lincoln, NE 68508

Nebraska Department of Education
General Counsel's Office
PO Box 94987
301 Centennial Mall South
Lincoln, NE 68509

Jordan Johnson

Jordan Johnson