

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

██████████, BY AND THROUGH ██████████,
Petitioners,

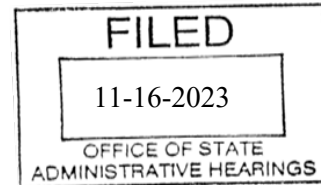
v.

DEKALB COUNTY SCHOOL DISTRICT,
Respondent.

Docket No.: ██████████
██████████-OSAH-DOE-SE-44-Fry

Agency Reference No.: ██████████

**FINAL DECISION
ORDER OF DISMISSAL**



In response to the Court’s October 2, 2023 Consolidation Order, the parties filed responses on October 4, 2023 (Petitioner) and October 9, 2023 (Respondent). The Court issued an Order Reversing Consolidation on October 10, 2023.

In Respondent’s October 9, 2023 submission, which included an exhibit and an affidavit in support, Respondent first reported that the parties had reached a settlement agreement of this matter following an early resolution session. The exhibit, an October 5, 2023 email to Ms. ██████████ from Ms. Rolanda Johnson, Special Education Coordinator III for the Dekalb County School District, included as an attachment a fully executed copy of the settlement agreement. In Petitioner’s October 4, 2023 submission, Petitioner reported that the parties “appear to have reached and agreement relating to” this matter.

On October 26, 2023, Petitioner submitted a response to Respondent’s October 9, 2023 submission. Regarding settlement of this case, Petitioner acknowledged that there was a settlement agreement but sought leave to amend the complaint (the Due Process Hearing Request) to add matters that had not been resolved. Responded filed a Reply on October 27, 2023 opposing Petitioner’s request to amend the complaint to add claims that were not in the case at the time the settlement was executed.

The affidavit of Rolanda Johnson submitted in support of Respondent's Reply, states that the parties executed a settlement agreement of this matter (OSAH Dkt. [REDACTED]) on October 5, 2023.

The Court concludes that it would be improper to permit an amendment of a pleading that was subject to a fully executed settlement agreement. To the extent that there are unresolved issues regarding [REDACTED], to the extent they are timely raised and not subject to a previous settlement agreement, those should be raised, should Petitioner care to do so, via a new DPHR.

Accordingly, this matter is **DISMISSED WITH PREJUDICE**. O.C.G.A. § 50-13-40(c); Ga. Comp. R. & Regs. 160-4-7-.12(3)(m), 616-1-2-.17(2).

SO ORDERED, this 16th day of November, 2023.



John Fry
Administrative Law Judge

