

STATE OF NORTH CAROLINA
COUNTY OF PASQUOTANK

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
25 EDC 00873

<p>█ by and through her guardian █ Petitioner,</p> <p>v.</p> <p>Elizabeth City-Pasquotank County Schools Board of Education Respondent.</p>	<p>FINAL DECISION BY CONSENT UNDER SEAL</p>
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THIS MATTER is before this Tribunal for entry of an Order based upon the Parties' resolution of the Contested Case (25 EDC 00873) during a Settlement Conference with the Honorable Administrative Law Judge Stacey Bice Bawtinhimer. Upon reviewing the submissions of counsel, the Undersigned finds the Parties jointly entered into a consent decision resolving this Contested Case. Therefore, the Undersigned enters this Final Decision in conformity with the Parties' Joint Proposed Final Decision by Consent Under Seal:

APPEARANCES

For Petitioners: Nataleigh Knaak
Gahagan Paradis, PLLC
3326 Durham Chapel Hill Boulevard
Suite 210-C
Durham, NC 27707

For Respondent: Rachel B. Hitch
Poyner Spruill LLP
301 Fayetteville Street, Suite 1900
Post Office Box 1801
Raleigh, NC 27602-1801

PROCEDURAL HISTORY

1. On March 11, 2025, Petitioner, █ by and through her guardian, █ filed a Petition for Contested Case Hearing in the above-captioned matter alleging violations against the Elizabeth City-Pasquotank Public Schools of the Individuals

with Disabilities Education Improvement Act of 2004, 20 U.S.C. §§ 1400 *et seq.* (“IDEA”) and N.C. Gen. Stat. §§ 115C-109.6 *et seq.*

2. Respondent was served with the Petition on March 12, 2025.
3. On March 20, 2025, the Undersigned issued an Order Setting Hearing calendaring the hearing to begin on April 21, 2025.
4. On March 21, 2025, Petitioner filed a Notice of Previously Requested Secured Leave, indicating counsel for Petitioner previously obtained secured leave for the week of April 21, 2025.
5. Respondent’s Counsel entered her Notice of Appearance on March 21, 2025, and filed a Motion for Extension of Time to Respond to the Petition.
6. On March 24, 2025, this Tribunal issued an Order Extending Time to Respond to Petition through April 4, 2025.
7. On March 27, 2024, Respondent’s counsel filed her Notice of Secure Leave for the week of May 25, 2025.
8. On March 28, 2025, the Parties filed a Joint Motion to Continue Hearing, indicating that the Parties agreed to waive resolution and mediate this matter.
9. On April 3, 2025, the Undersigned issued an Order Continuing Hearing and setting the hearing to begin June 23, 2025.
10. On April 23, 2025, Petitioner filed a Motion for Protective Order and Proposed Protective Order.
11. On May 2, 2025, the Parties participated in mediation, which was unsuccessful.
12. On May 5, 2025, Respondent filed its Proposed Protective Order in response to Petitioner’s Motion.
13. On May 9, 2025, Respondent filed a Motion for Settlement Conference.
14. On May 13, 2025, Petitioner filed a Response to the Motion for Settlement Conference.

15. On May 14, 2025, the Honorable Donald Robert van der Vaart, Chief Administrative Law Judge appointed the Honorable Stacey B. Bawtinheimer as the ALJ to conduct the settlement conference.

16. On June 6, 2025, the Parties filed their second Joint Motion to Continue Hearing Deadlines, which was granted on June 11, 2025, following a notice of Rescheduled Settlement Conference filed on June 10, 2025.

17. On June 17, 2025, the Parties participated in the Settlement Conference.

18. The Honorable Stacey B. Bawtinheimer filed a Notice of Settlement Report on June 27, 2025, indicating the Settlement Conference was successful, the Board approved the Settlement Agreement on June 26, 2025, the Parties would file a Motion to Seal, and that the Settlement Agreement would be incorporated into a Final Decision by Consent.

19. On July 11, 2025, the Parties filed a Joint Motion to Seal and Proposed Consent Order, which was granted on July 14, 2025.

20. On July 25, 2025, the Parties filed a Motion for Entry of Final Decision and attached a fully executed settlement agreement, entitled “Final Decision by Consent Under Seal.”

Based upon the agreed upon Final Decision by Consent Under Seal, it is hereby **ORDERED** that the Final Decision by Consent Under Seal, which was fully executed by all Parties on July 3, 2025, and is the basis of this Final Decision, is hereby incorporated into this Final Decision verbatim.

The Notice of Hearing for August 4 – 8, 2025, is **VACATED** and this contested case is **DISMISSED WITH PREJUDICE**.

NOTICE OF APPEAL RIGHTS

Pursuant to the Individuals with Disabilities Education Act and North Carolina’s Education of Children with Disabilities laws, the parties have appeal rights regarding this Final Decision. Although the parties have waived those rights as part of this consent decision, a Notice of Appeal Rights is included herein in accordance with N.C. Gen. Stat. § 115C-109.6.

Any party aggrieved by the findings and decision of an Administrative Law Judge may under N.C. Gen. Stat. § 115C-109.6 institute a civil action in State court within thirty (30) days after receipt of the notice of the decision or under 20 U.S.C. §

1415 a civil action in federal court within ninety (90) days after receipt of the notice of the decision.

Because the Office of Administrative Hearings may be required to file the official record in the contested case with the State or federal court, a copy of the Petition for Judicial Review or Federal Complaint must be sent to the Office of Administrative Hearings at the time the appeal is initiated in order to ensure the timely preparation of the record.

STAY OF FINAL DECISION

This Final Decision is immediately enforceable by the State Board of Education. This Final Decision remains in effect until the party aggrieved moves the reviewing court for a Stay of the Final Decision and the reviewing court grants the Stay pursuant to N.C. Gen. Stat. § 150B-48.

IT IS SO ORDERED.

This the 28th day of July, 2025.



Samuel K Morris
Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 N.C. Admin. Code 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center which will subsequently place the foregoing document into an official depository of the United States Postal Service.

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Attorney For Petitioner

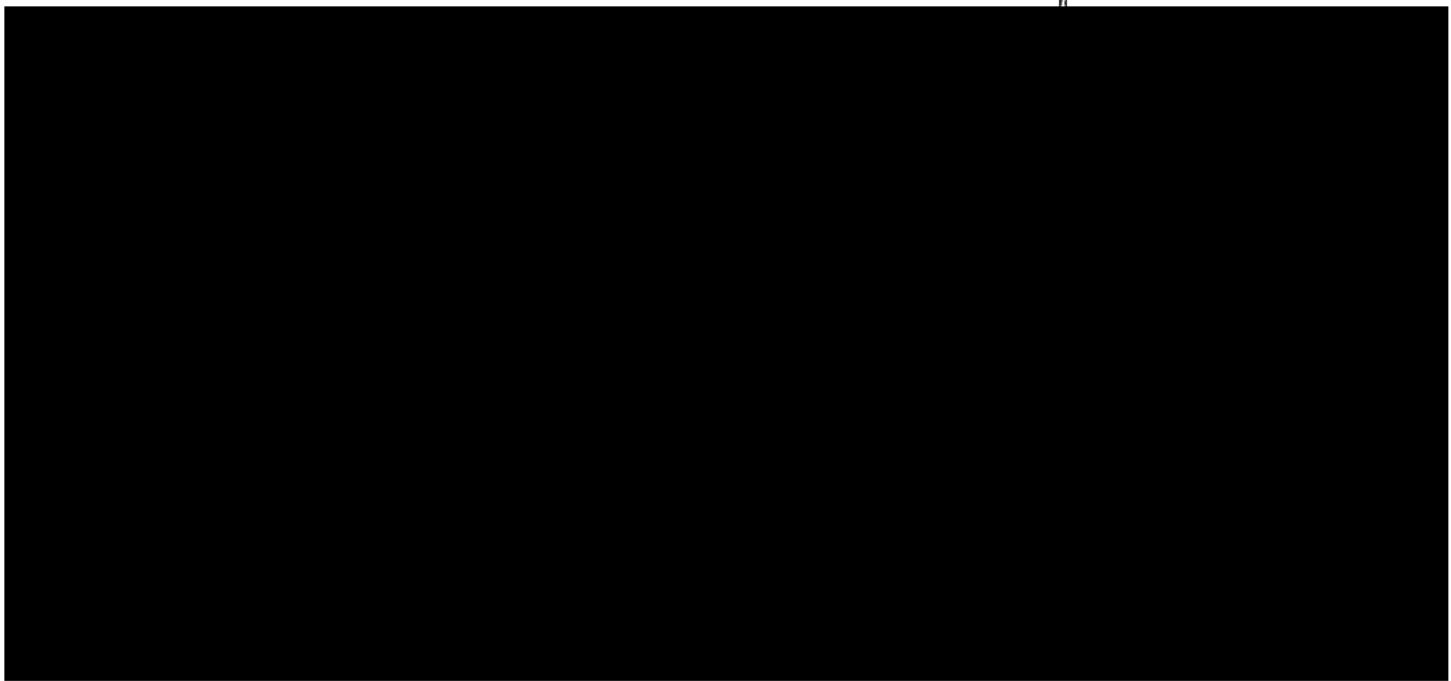
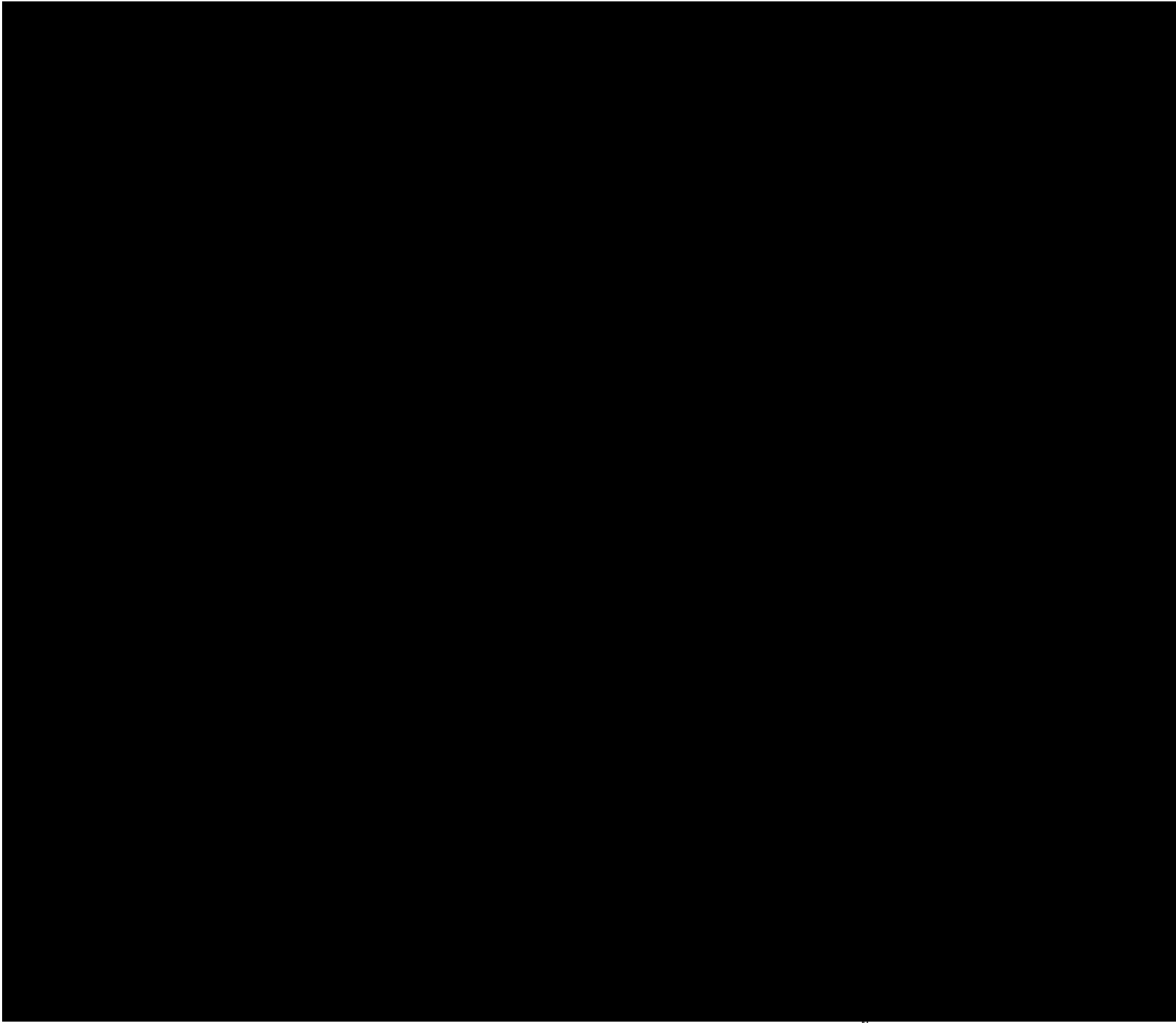
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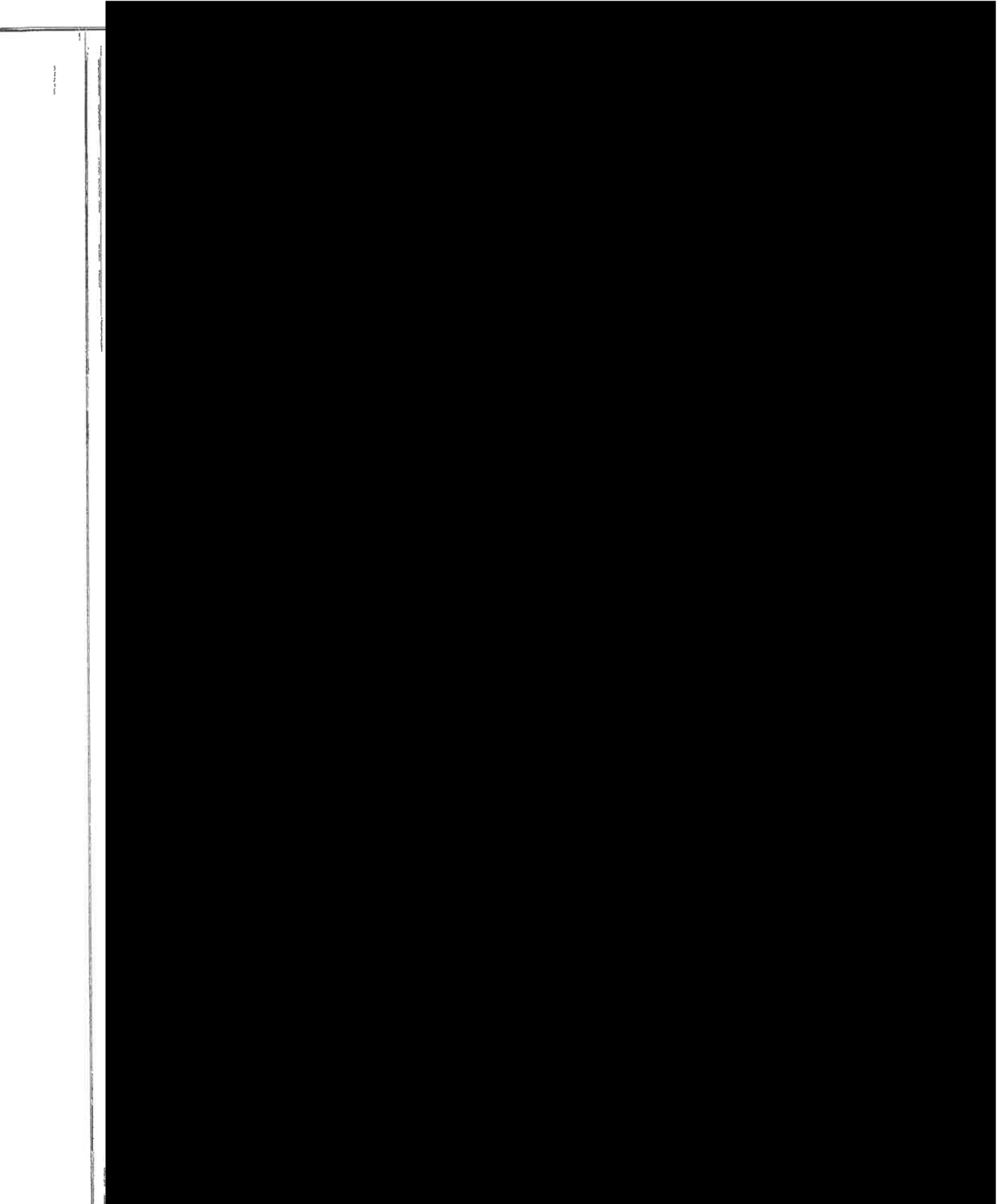
Teresa Silver King
NC Department of Public Instruction
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Affiliated Agency

This the 28th day of July, 2025.



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