UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

J.B. AND A.B., ***individually and as parents and next friends of G.B., a minor*****,**	)	
PLAINTIFFS	)	
	)	**CIVIL NO. 2:13-CV-11-DBH**
v.	)	
WELLS-OGUNQUIT COMMUNITY SCHOOL DISTRICT,	)	
DEFENDANT	)	

ORDER AFFIRMING RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

On May 31, 2014, the United States Magistrate Judge filed with the court, with copies to counsel, his Recommended Findings of Fact and Conclusions of Law. The plaintiffs filed an objection to the Recommended Decision on June 30, 2014. Oral argument was held on August 12, 2014. I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in the Recommended Decision, as clarified below, and determine that no further proceeding is necessary.

Although the plaintiffs take umbrage at the Magistrate Judge's characterization of some of their arguments, I am satisfied that he understood their arguments, and I agree with his resolution of them. And I do not agree that

he or the hearing officer misunderstood the appropriate standards or misapplied them. I accept the plaintiffs' statement that "a student's adequate achievement with the support of special education and related services is not . . . the yardstick by which to determine whether to terminate her IDEA eligibility going forward." Pls.' Objection at 4 (ECF No. 33). But at the same time the IEP team, the hearing officer, and the Magistrate Judge can certainly consider that piece of information among other factors.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The Recommended Findings of Fact and Conclusions of Law are **ADOPTED** and the plaintiffs' appeal is **DENIED**.

SO ORDERED.

DATED THIS 18TH DAY OF AUGUST, 2014

/S/ D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CIVIL DOCKET NO. 2:13-CV-11-DBH

J.B., *individually and as parent and next friend of G.B., a minor***,** **and** **A.B.,** *individually and as parent and next friend of G.B., a minor***,** **Plaintiffs**	Represented By	Nicole L. Bradick Law Office of Nicole Bradick 26 Woodcrest Road Cape Elizabeth, ME 04107 (207) 747-4211 email: nbradick@potomaclaw.com Richard L. O'Meara Stacey D. Neumann Murray Plumb & Murray P.O. Box 9785 Portland, ME 04104-5085 (207) 773-5651 email: romeara@mpmlaw.com sdn@mpmlaw.com
v.		
Wells-Ogunquit Community School District, **Defendant**	Represented By	Eric R. Herlan Peter C. Felmly Drummond Woodsum 84 Marginal Way, Suite 600 Portland, ME 04101-2480 (207) 772-1941 email: erherlan@dwmlaw.com pfelmly@dwmlaw.com