

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

JIMMY and LORETTA JACKSON,
Individually and as Parents
and Next Friends of D

PLAINTIFFS

V.

NO. 4:16CV00301-JM-JTR

PINE BLUFF SCHOOL DISTRICT, *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray (Docket No. 35). No objections have been filed. After careful consideration, the Court concludes that the Recommended Partial Disposition should be, and hereby is, approved and adopted in its entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED THAT the Motion to Dismiss filed by Defendant Arkansas Department of Education and Defendant Johnny Key, (Document No. 10), is GRANTED in part and DENIED in part as follows:

1. Plaintiffs' IDEA claims against Defendant Key are DISMISSED, WITH PREJUDICE, for failing to state a claim for relief; their IDEA claims against Defendant ADE, based on events occurring prior to August 7, 2013, are DISMISSED, WITH PREJUDICE, as barred by the statute of limitations; and their IDEA claims against Defendant ADE are allowed to PROCEED in all other respects.

2. Plaintiffs' § 1983 claims against Defendant ADE are DISMISSED, WITH PREJUDICE, as barred by the Eleventh Amendment; and their § 1983 official-capacity claims against Defendant Key are DISMISSED, WITHOUT PREJUDICE, for failing to state a claim upon which relief may be granted.

3. Plaintiffs' Rehabilitation Act claim against Defendant ADE is allowed to PROCEED.

4. Plaintiffs' ADA claim against Defendant ADE is allowed to PROCEED.

5. Plaintiffs' state law claims against Defendants ADE and Key are DISMISSED, WITH PREJUDICE, as barred by the Eleventh Amendment.

6. Plaintiffs' Fourth Amendment, Title IX and NCLBA claims are DISMISSED, WITHOUT PREJUDICE, for failing to state a claim upon which relief may be granted.

DATED this 25th day of May, 2017.



UNITED STATES DISTRICT JUDGE