

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF OREGON  
for the  
SUPERINTENDENT OF PUBLIC INSTRUCTION**

IN THE MATTER OF THE EDUCATION OF ) Student and Eugene School District )	) ) ) )	<b>FINAL ORDER OF DISMISSAL</b>  Case No. DP 10-118
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**FINDINGS OF FACT**

(1) On August 4, 2010, Parent of Student, through counsel Diane Wiscarson, Attorney at Law, filed a request for a due process hearing with the State Superintendent of Public Instruction. The matter was referred to the Office of Administrative Hearings (OAH) on August 5, 2010, to be set for hearing and was assigned to Administrative Law Judge (ALJ) Stephen H. Elmore. A pre-hearing teleconference was set for September 7, 2010.

(2) At the September 7, 2010, teleconference, Diane Wiscarson and Richard Cohn-Lee, counsel for Eugene School District (District) informed ALJ Elmore that the Parent had waived holding a resolution session but had chosen mediate with the District. The parties had set an upcoming date for a mediation session. ALJ Elmore granted the parties' joint request to extend the 45-day deadline to a date certain to allow continued work towards resolution. Subsequent to a September 29, 2010, status conference, the parties confirmed that they were continuing to work towards resolution. However, the dates for hearing and other relevant deadlines were set.

(3) Additional pre-hearing conferences were held to postpone the scheduled hearing to allow additional time for settlement negotiations. On May 26, 2011, the matter was re-assigned to Senior ALJ A. Bernadette House. Prior to the hearing set to begin June 14, 2011, the parties informed ALJ House that an agreement had been reached but that final paperwork would require until beyond the scheduled hearing date to complete. The parties requested that the contested case hearing be removed from the calendar. Because the 45-day deadline may only be extended to a date certain (OAR 581-015-2375(2)), ALJ House agreed to a final postponement and the hearing was rescheduled to begin October 3, 2011.

(3) On July 1, 2011, Parent's attorney requested that the October 3, 2011, hearing request be dismissed with prejudice because Parent and the District had reached agreement on all issues raised in the hearing request.

(4) Accordingly, the matter having been settled by agreement between Parent and the District regarding issues raised in the August 4, 2010, due process hearing request, a contested case proceeding is no longer required regarding these parties, based on the withdrawal of the hearing request by the requesting party and a mutual settlement of the issues raised by Parent's hearing request.

## ORDER

The hearing request of August 4, 2010, regarding issues raised by Parent on behalf of Student against Eugene School District, having been withdrawn, is **DISMISSED** with prejudice.



A. Bernadette House, Senior Administrative Law Judge  
Office of Administrative Hearings

## APPEAL PROCEDURE

**NOTICE TO ALL PARTIES:** If you are dissatisfied with this Order you may, within 90 days after the mailing date on this Order, commence a nonjury civil action in any state court of competent jurisdiction, ORS 343.175, or in the United States District Court, 20 U.S.C. § 1415(i)(2). Failure to request review within the time allowed will result in **LOSS OF YOUR RIGHT TO APPEAL FROM THIS ORDER.**

**ENTERED** at Salem, Oregon this 7th day of July, 2011 with copies mailed to:

✓ Jan Burgoyne, Oregon Department of Education, Public Services Building, 255 Capitol Street NE, Salem, OR 97310-0203.