

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

IN THE MATTER OF THE EDUCATION OF) **FINAL ORDER OF DISMISSAL**
)
STUDENT and Hillsboro School District) Case No. DP 12-107
)

FINDINGS OF FACT

(1) On June 18, 2012, Parent filed a request for a due process hearing. On June 20, 2012, the Oregon Department of Education referred the request to the Office of Administrative Hearings (“OAH”).

(2) On July 19, 2012, Administrative Law Judge (“ALJ”) McGorin held a Pre-Hearing Conference via telephone. Counsel for Parent, Mary Broadhurst, and counsel for the Hillsboro School District, Richard Cohn-Lee, attended. Counsel advised that they were pursuing mediation. ALJ McGorin scheduled a further Pre-Hearing Conference for July 27, 2012. On July 27, 2012, the parties notified ALJ McGorin that the matter was resolved, and that settlement documents were being finalized. On August 7, 2012, Ms. Broadhurst notified ALJ McGorin that she was requesting a dismissal without prejudice, and would be seeking a dismissal with prejudice if the Hillsboro School District completed a new IEP for Student before September 5, 2012. On August 9, 2012, a further Pre-Hearing Conference was held. At that conference, ALJ McGorin advised the parties that when the OAH issues a dismissal without prejudice, it loses jurisdiction over the matter and cannot subsequently issue a dismissal with prejudice. The parties stated that they understood, and agreed that the OAH would issue only a dismissal without prejudice.

ORDER

Parent’s request for a due process hearing has been withdrawn and the case is dismissed without prejudice.

Denise Marie McGorin
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 9th day of August, 2012 with copies mailed to:

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