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 Beaverton School District)))	Case No. DP 13-107

FINDINGS OF FACT

- (1) On May 23, 2013, Parents filed a request for a due process hearing on behalf of Student, with the State Superintendent of Public Instruction, alleging that the Beaverton School District had failed to provide a free and appropriate education for Student as required under the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA), 20 USC §§ 1400 et seq. The matter was referred to the Office of Administrative Hearings (OAH) on May 23, 2013.
- (2) On May 24, 2013, Parents submitted an e-mail request to the Superintendent of Public Instruction seeking to withdraw their hearing request because the parties had elected to pursue mediation. The e-mail did not state that Parents wished to withdraw with or without prejudice to their right to file a new complaint should mediation prove unsuccessful.
- (3) Accordingly, based on Parents' request to withdraw their due process hearing request, a contested case proceeding is no longer required.

ORDER

The hearing request of May 23, 2013, regarding issues raised by Parents against the Beaverton School District, having been withdrawn, is **DISMISSED** without prejudice.

John Mann
Presiding 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 31st day of May 2013 with copies mailed to:

Jan Burgoyne, Oregon Department of Education, Public Services Building, 225 Capitol Street NE, Salem, OR 97310-0203.