

**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 Colton School District)	Case No. DP 13-116
)	

FINDINGS OF FACT

(1) On October 21, 2013, Ross Day, Attorney at Law, filed a request for a due process hearing on behalf of Parents and Student, with the State Superintendent of Public Instruction, alleging that the 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 parties, having made a joint request to go to mediation, waived the resolution sessions. Therefore, the resolution period ended with no resolution session having been held

(2) The matter was referred to the Office of Administrative Hearings (OAH) on October 21, 2013, to be set for hearing and was assigned to Senior Administrative Law Judge (ALJ) A. Bernadette House. ALJ House convened a pre-hearing teleconference on November 22, 2013. Mr. Day appeared on behalf of Parents, who were also in attendance. Rich Cohn-Lee, Attorney at Law of the Hungerford Law Firm, appeared on behalf of District. The parties informed ALJ House that they were working to schedule mediation which they hoped would occur in December 2013. Because the parties were working with a mediator to set a date for mediation and were working towards resolution of the matter, the parties' joint request to extend the 45-day deadline to a date certain was granted. The hearing was set for January 21-23, 2014, final order due on or before March 28, 2014.

(3) At the parties' request, ALJ House convened a teleconference on December 27, 2013. The parties jointly request to reschedule the hearing to allow for mediation, which was scheduled for January 13, 2014. The request was granted and the hearing was rescheduled for March 17-19, 2014. Relevant deadlines were also reset. The date certain for the Final Order was rescheduled to May 16, 2014.

(4) On January 21, 2014, Mr. Day informed the OAH that the parties had reached an agreement in mediation and that Parents were requesting to withdraw the hearing request of October 21, 2014.

(5) Accordingly, based on Parents' request, through counsel, and representation that the parties have settled by agreement the issues raised in the October 21, 2013 due process hearing request, a contested case proceeding is no longer required. The matter will be dismissed with prejudice and the hearing scheduled for March 17-19, 2014 will be removed from the calendar.

ORDER

The hearing request of October 21, 2013, regarding issues raised by Parents and Student against Colton 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 29th day of January, 2014 with copies mailed to:

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

CERTIFICATE OF SERVICE

On this 29th day of January 2014, I served a copy of the Final Order of Dismissal for Case No. DP 13-116 on the following:

BY FIRST CLASS MAIL:

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