

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
OREGON DEPARTMENT OF EDUCATION**

IN THE MATTER OF THE EDUCATION OF) **FINAL ORDER OF DISMISSAL**
)
STUDENT AND DOUGLAS) Case No.: DP 16-101
COUNTY SCHOOL DISTRICT 4)

FINDINGS OF FACT

(1) On January 15, 2016, Diane Wiscarson, and Elizabeth Polay, Attorneys at Law, of Wiscarson Law, filed a request for a due process hearing (hearing request) on behalf of Parent and Student with the Oregon Department of Education, alleging that Douglas County School District 4 (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 jointly waived resolution in favor of mediation. The resolution period ended on February 13, 2016 with no resolution session having been held.

(2) The matter was referred to the Office of Administrative Hearings (OAH) on January 19, 2016, to be set for hearing and was assigned to Senior Administrative Law Judge (ALJ) Bernadette H. Bignon. ALJ Bignon convened a pre-hearing teleconference on February 18, 2016. Ms. Polay appeared, on behalf of Parent and Student. Rich Cohn-Lee, Attorney at Law, appeared and represented Douglas County School District 4 (District). The parties informed ALJ Bignon that mediation had been scheduled for March 7, 2016. Because the parties had scheduled 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 April 19-21, and April 25-26, 2016, final order due on or before July 7, 2016.

(3) On March 8, 2016, Ms. Polay, on behalf of Parent and Student, informed the OAH that the parties had reached an agreement in mediation and that Parent was requesting to withdraw the hearing request of January 15, 2016 with prejudice.

(4) Accordingly, based on Parent's request, and representation that the parties have settled by agreement the issues raised in the January 15, 2016 due process hearing request, a contested case proceeding is no longer required. The matter will be dismissed with prejudice and the hearing scheduled for April 19-21 and April 25-26, 2016 will be removed from the calendar.

ORDER

The hearing request of January 15, 2016, regarding issues raised by Parent and Student against Douglas County School District 4, having been withdrawn, is **DISMISSED** with prejudice.

Bernadette H. Bignon

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 10th day of March, 2016, with copies mailed to:

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

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing FINAL ORDER OF DISMISSAL in Case No. DP 16-101 on the foregoing parties on the 10th day of March 2016 by depositing a copy of said document in a sealed envelope in the United States Mail at Salem, Oregon, with the postage thereon fully prepaid, and addressed to:

Parent(s) of KT
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Ryan Clark
Hearings Coordinator
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