

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

IN THE MATTER OF:THE) **FINAL ORDER OF DISMISSAL**
EDUCATION OF)
) OAH Case No. 2017-ABC-00881
B.S. AND PORTLAND SCHOOL) Agency Case No. 17-113
DISTRICT 1J

FINDINGS OF FACT

(1) On August 29, 2017, Parents filed a request for due process hearing with the State Superintendent of Public Instruction on behalf of B.S. (Student). The Department of Education referred the hearing request to the Office of Administrative Hearings (OAH). The OAH assigned Administrative Law Judge (ALJ) Jill Marie Messecar to preside over the hearing in this matter.

(2) On October 5, 2017, Senior ALJ Joe L. Allen conducted a prehearing conference, for ALJ Messecar, by telephone. Taylor Richman, attorney at law, appeared on behalf of the Portland Public School District 1J (the District). Elizabeth Polay and Diane Wiscarson, attorneys at law, appeared for Parents. At the prehearing conference, Parents requested the 45-day deadline for issuing the Final Order be extended to a date certain. Senior ALJ Allen granted the request and scheduled the hearing for February 12-16, 2018 and the final order to be issued on May 2, 2018.

(3) On November 6, 2017, Parents filed a Motion for Ruling on the Pendency Placement (Placement Motion). On November 6, 2017, Parents also filed a first amended Due Process complaint.

(4) On December 19, 2017, while the ruling on Parents Placement Motion was pending, Parents notified the OAH that the parties had settled the matter and wished to withdraw the hearing request with prejudice.

ORDER

The August 29, 2017 request for a due process hearing has been withdrawn and the case is dismissed without prejudice.

Because Parents have withdrawn their hearing request, a contested case hearing is no

longer necessary and the hearing currently set for February 12-16, 2018 is cancelled.

Jill Marie Messecar

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 @ day of @, 201@, with copies mailed to:

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