

**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. 2018-ABC-01593
B.M. AND BEAVERTON SCHOOL)	Agency Case No. DP 18-115
DISTRICT 48J)	

FINDINGS OF FACT

1. On May 8, 2018, Kevin Brague, attorney at law, filed a Request for Due Process Hearing with the Oregon Department of Education (ODE). ODE subsequently referred the request to the Office of Administrative Hearings (OAH). The OAH assigned the case to Administrative Law Judge (ALJ) Jill M. Messecar for hearing. The matter was reassigned to Senior ALJ Joe L. Allen.

2. On June 19, 2018, Mr. Brague submitted an email to the OAH indicating that he had entered into an agreement with the attorney for the school district, Taylor Richman, to waive the 45-day deadline to issue a final order in this case and to postpone the pre-hearing conference until after mediation was completed.

3. On June 20, 2019, Chief ALJ John Mann responded to Mr. Brague's email. ALJ Mann noted that the OAH did not have the authority to grant an indefinite extension of the 45-day deadline under OAR 581-015-2375(2). However, ALJ Mann noted that if the parties agreed in writing to extend mediation beyond the 30-day resolution period pursuant to OAR 581-015-2355(2)(c)(C), the 45-day deadline would not begin until such time as one or both of the parties withdrew from mediation.

4. On June 21, 2018, Mr. Brague submitted (via email) a written Stipulation to Extend Resolution Period until September 18, 2018 to allow the parties to engage in mediation. The stipulation was signed by Mr. Brague and Mr. Richman.

5. On June 22, 2018, ALJ Mann emailed the attorneys to advise them that the stipulation was sufficient to extend the resolution period until September 14, 2018. Consequently, the 45-day deadline for holding the hearing and issuing the order would not begin until after the conclusion of the extended resolution period.

6. On September 5, 2018, Mr. Brague filed a Voluntary Dismissal of Due Process Proceeding.

ORDER

Parent's May 8, 2018 Request for Due Process Hearing in the above-captioned matter is DISMISSED with prejudice.

Joe L. Allen

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 September, 2018, with copies mailed to:

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

CERTIFICATE OF MAILING

On September 10, 2018 I mailed the foregoing FINAL ORDER OF DISMISSAL in OAH Case No. 2018-ABC-01593 to the following parties.

By: First Class Mail

Parent(s) of Student
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