

**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)	
)	
STUDENT AND DAVID DOUGLAS)	OAH Case No. 2018-ABC-01678
SCHOOL DISTRICT 40)	Agency Case No. DP 18-120

FINDINGS OF FACT

(1) On May 29, 2018, Parent filed a request for due process hearing with the State Superintendent of Public Instruction on behalf of V.T. (Student). The Department of Education referred the hearing request to the Office of Administrative Hearings (OAH). The OAH assigned Administrative Law Judge (ALJ) Joe L. Allen to preside over the hearing in this matter. On June 12, 2018, the David Douglas School District (the District) requested recusal of ALJ Allen. The request was granted and ALJ Jill Messecar was assigned.

(2) On July 2, 2018, ALJ Messecar conducted a prehearing conference (PHC) by telephone. Rich Cohn-Lee, attorney at law, appeared for the District. Parent appeared to represent herself and Student. At the prehearing conference, the District requested the 45-day deadline for issuing the Final Order be extended to a date certain, to allow the parties to participate in mediation. Parent did not object to the deadline extension. ALJ Messecar granted the request and scheduled the hearing for September 26-27, 2018 and set November 15, 2018 as the date certain for issuance of the Final Order. ALJ Messecar also scheduled a second PHC for August 15, 2018 at 9:00 a.m.

(3) On August 15, 2018, ALJ Messecar participated in another matter and did not attend the second PHC. On that date, Mr. Cohn-Lee emailed the OAH and Parent to provide a written update indicating that the parties were scheduled for mediation on August 20, 2018.

(4) On August 23, 2018, Parent notified the OAH that the parties had settled the matter and requested withdrawal of the hearing request with prejudice.

ORDER

Parent has withdrawn her hearing request and a contested case hearing is no longer necessary and the hearing currently set for September 26-27, 2018 is cancelled. The case is dismissed with prejudice

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 23rd day of August, 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 August 23, 2018 I mailed the foregoing FINAL ORDER OF DISMISSAL in OAH Case No. 2018-ABC-01678 to the following parties.

By: First Class Mail

Parent(s) of Student
2327 SE 141st Ave
Portland OR 97233

Ken Richardson, Superintendent
David Douglas School District 40
11300 NE Halsey St
Portland OR 97220

Rich Cohn-lee, Attorney at Law
The Hungerford Law Firm LLP
PO Box 3010
Oregon City OR 97045

BY ELECTRONIC MAIL:

Elliot Field, Legal Specialist
Department of Education
255 Capitol Street NE
Salem, OR 97310-0203

Ryan K Clark
Hearing Coordinator
Office of Administrative Hearings