

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

IN THE MATTER OF:THE EDUCATION OF S.A. AND BEND-LAPINE ADMINISTRATIVE SCHOOL DISTRICT 1) FINAL ORDER)) OAH Case No. 2018-ABC-02120) Agency Case No. DP 18-127
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FINDINGS OF FACT

(1) On October 15, 2018, Parents filed a request for due process hearing with the State Superintendent of Public Instruction on behalf of S.A. (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. On October 23, 2018, Parents filed an amended request for due process hearing with the State Superintendent of Public Instruction on behalf of Student.

(2) On November 27, 2018, ALJ Messecar conducted a prehearing conference by telephone. Richard Cohn-Lee and Joel Hungerford, attorneys at law, appeared on behalf of the Bend-LaPine Administrative School District (the District). Matt Singer, Father and attorney at law, appeared for Parents. At the prehearing conference, the parties requested the 45-day deadline for issuing the Final Order be extended to a date certain. ALJ Messecar granted the request and scheduled the hearing for February 19th through 26th, 2019 with the order to be issued on or about May 17, 2019.

(3) On December 18, 2018, the District filed a motion to compel discovery. The Parents were given until December 26, 2018 to respond.

(4) December 19, 2018, ALJ Messecar conducted a prehearing conference by telephone. Richard Cohn-Lee and Joel Hungerford appeared on behalf of the Bend-LaPine Administrative School District (the District). Matt Singer appeared for Parents. At the prehearing conference, the parties indicated that they were conducting further settlement negotiations and wanted to postpone the discussion on the District's motion and the discussion of the issues for hearing until a later date. ALJ Messecar agreed and scheduled a PHC on January 3, 2019.

(5) On December 11, 2018, Parents notified the Office of Administrative Hearings that the issues under the due process complaint had been resolved and that the due process complaint should be dismissed with prejudice.

ORDER

The October 23, 2018, request for a due process hearing has been withdrawn and the case is dismissed with prejudice.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 27th day of December, 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 December 27, 2018 I mailed the foregoing **FINAL ORDER** in OAH Case No. 2018-ABC-02120 to the following parties.

By: First Class Mail:

Parent(s) of Student
4211 NW Lower Village Rd
Bend OR 97703

Shay Mikalson, Superintendent
Bend-Lapine Administrative School District 1
520 NW Wall St
Bend OR 97703

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

BY ELECTRONIC MAIL:

Elliot Field, Agency Representative
Department of Education
255 Capitol Street NE
Salem, OR 97310-0203

Anesia N Valihov
Hearing Coordinator
Office of Administrative Hearings