

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

IN THE MATTER OF:THE)	FINAL ORDER
EDUCATION OF)	
)	OAH Case No. 2020-ABC-03811
D.R. AND LINN BENTON LINCOLN)	Agency Case No. DP-109
ESD)	

HISTORY OF THE CASE

1. On June 1, 2020, Kimberly Sherman, attorney at law, filed a Due Process Complaint with the Oregon Department of Education (ODE) on behalf of Student D.R. and Student’s parent (Petitioner). ODE subsequently referred the request to the Office of Administrative Hearings (OAH). The OAH assigned the case to Administrative Law Judge (ALJ) Jessica E. Toth for hearing.

2. On February 3, 2021, Petitioner, through counsel, notified the OAH, via email which included Joel Hungerford, legal counsel for Linn Benton Lincoln Education Service District, that Petitioner withdrew the Complaint. Petitioner requested that OAH issue a final order dismissing the matter.

ORDER

The June 1, 2020 Due Process Complaint in the above-captioned matter is **DISMISSED** with prejudice and all upcoming dates associated with the matter have been vacated by the OAH.

Jessica E. Toth

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 4th day of February, 2021, with copies mailed to:

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

CERTIFICATE OF MAILING

On February 4, 2021 I mailed the foregoing Final Order in OAH Case No. 2020-ABC-03811 to the following parties.

By: Certified Mail

Parent(s) of Student
2664 NW Laura Vista Drive
Albany OR 97321

Kim Sherman, Attorney at Law
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Tonja Everest, Superintendent
Linn Benton Lincoln ESD
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BY ELECTRONIC MAIL:

Mike Franklin, Legal Specialist
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Lucy M Garcia
Hearing Coordinator
Office of Administrative Hearings