BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS STATE OF OREGON

for the SUPERINTENDENT OF PUBLIC INSTRUCTION

IN THE MATTER OF THE EDUCATION OF)	FINAL ORDER OF DISMISSAL
J.J. and Gresham-Barlow School District))	Case No. DP 10-102E

FINDINGS OF FACT

- (1) On January 28, 2010, J.J., by and through his attorneys, Whitney Hill and Brian Baker requested an expedited due process hearing. The matter was referred to the Office of Administrative Hearings (OAH) on January 29, 2010 for hearing. The matter was assigned to Administrative Law Judge (ALJ) Jill Marie Messecar of the OAH. A pre-hearing teleconference was set for February 16, 2010. A second pre-hearing teleconference was held on February 17, 2010.
- (2) At the February 16, 2010, pre-hearing teleconference, J.J.'s attorneys, and counsel for the District, Kelly Noor informed the ALJ of a number of issues that needed to be addressed before the expedited hearing. A second per-hearing conference was scheduled to address the issues and set dates for the expedited hearing. At the February 17, 2010 pre-hearing teleconference, some issues were resolved and the parties agreed to hold the hearing on February 23 and 25, 2010.
- (3) On February 23, 2010, J.J, by and through his attorneys, withdrew the expedited hearing request. Accordingly, the matter having been settled by agreement between the parties on February 23, 2010, a contested case proceeding is no longer required in this matter.

ORDER

The expedited hearing request of January 28, 2010, having been withdrawn, is **DISMISSED** with prejudice as agreed by the parties.

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 3rd day of March, 2010 with copies mailed to:

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