

**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**
)
G.P and Gresham-Barlow School District) Case No. DP 10-113
)

FINDINGS OF FACT

(1) On June 2, 2010, G.P.'s Parent, by and through her attorney, requested a due process hearing. The matter was referred to the Office of Administrative Hearings (OAH) on June 2, 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 July 7, 2010. On June 30, 2010 the parties made a joint request to postpone the prehearing conference. The parties also requested waiver of the 45-day deadline to allow the parties to work toward resolution. The requests were granted and the prehearing conference was rescheduled for August 24, 2010.

(2) At the August 24, 2010 teleconference, Parents' attorney, and counsel for the District, jointly informed ALJ Messecar that a mediation session had been held and requested waiver of the 45-day deadline to a date certain to allow the parties to complete the work toward resolution. A second pre-hearing status conference was set for September 30, 2010.

(3) On September 20, 2010, G.P.'s Parent, by and through her attorney, withdrew the hearing request. Accordingly, the matter having been settled by agreement between the parties, a contested case proceeding is no longer required in this matter, based on the withdrawal of the hearing request by the requesting party and a mutual settlement of the issues raised by the parents' hearing request.

ORDER

The hearing request of June 2, 2010, having been withdrawn, is **DISMISSED** with prejudice as agreed by the parties.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 30th day of September, 2010 with copies mailed to:

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

CERTIFICATE OF SERVICE

On this 30th day of September, 2010, I served a copy of the Final Order of Dismissal for Case No. DP 10-113

FIRST CLASS MAIL:

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