# 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.H. and Greater Albany Public School District	) Case No. DP 10-119

#### FINDINGS OF FACT

- (1) On August 26, 2010, Parent filed a request for a due process hearing. On August 27, 2010, the Oregon Department of Education referred the request to the Office of Administrative Hearings ("OAH").
- (2) On September 28, 2010, Administrative Law Judge ("ALJ") McGorrin held a Pre-Hearing Conference via telephone. Counsel for Parent, Kevin C. Brague, and counsel for the Greater Albany Public School District, Richard Cohn-Lee, attended. Counsel advised that they were pursuing mediation. ALJ McGorrin scheduled further Pre-Hearing Conferences for October 12, and 28, 2010. On October 28, 2010, the parties advised that they were finalizing settlement documents. Mr. Brague notified the OAH on November 8, 2010 that the matter was resolved, and that Parent was withdrawing its request for a due process hearing.

#### **ORDER**

Parent's request for a due process hearing has been withdrawn and the case is dismissed with prejudice.

Denise Marie McGorrin, 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 16th day of November, 2010 with copies mailed to:

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

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## CERTIFICATE OF SERVICE

On this 16th day of November, 2010, I served a copy of the Final Order of Dismissal for Case No. DP 10-119

## FIRST CLASS MAIL:

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### **BY SHUTTLE MAIL:**

Ty Manieri, Legal Specialist Oregon Department of Education 255 Capitol Street NE Salem, OR 97310

> Joanne Call, Hearings Coordinator Office of Administrative Hearings