

**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**
))
Student and Tigard-Tualatin School District) Case No. DP 11-104
))

FINDINGS OF FACT

(1) On January 25, 2011, Parents of Student., through counsel Diane Wiscarson, Attorney at Law, filed a request for a due process hearing with the State Superintendent of Public Instruction. The matter was referred to the Office of Administrative Hearings (OAH) on January 25, 2011 to be set for hearing and was assigned to Senior Administrative Law Judge (ALJ) A. Bernadette House. A pre-hearing teleconference was set for February 28, 2011.

(2) At the February 28, 2011 teleconference, Diane Wiscarson and Graham Hicks, counsel for Tigard-Tualatin School District (District) informed ALJ House that the parties were working towards resolving the issues. ALJ House granted the parties' joint request to extend the 45-day deadline to a date certain to allow continued towards resolution. The date for the hearing and relevant deadlines were set accordingly.

(3) On March 30, 2011, Parents' attorney requested that the January 25, 2011 hearing request be dismissed with prejudice because Parents and Tigard-Tualatin School District had reached agreement on all issues raised in the hearing request.

(4) Accordingly, the matter having been settled by agreement between Parents and the District regarding issues raised in the January 25, 2011 due process hearing request, a contested case proceeding is no longer required regarding these parties, based on the withdrawal of the hearing request by the requesting party and a mutual settlement of the issues raised by Parents' hearing request.

ORDER

The hearing request of January 25, 2011, regarding issues raised by Parents on behalf of Student against Tigard-Tualatin School District, having been withdrawn, is **DISMISSED** with prejudice.



A. Bernadette House, Senior 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 31st day of March, 2011 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 31st day of March, 2011, I served a copy of the Final Order of Dismissal for Case No. DP 11-104

FIRST CLASS MAIL:

Parent(s) of Student
12240 SW Hancock Court
Portland, OR 97223


Diane Wiscarson, AAL
Wiscarson Law PC
510 SW 3rd Avenue, Suite 439
Portland, OR 97204

Graham M. Hicks, AAL
Murryhill Professional Suites
14780 SW Osprey Drive, Suite 280
Beaverton, OR 97007

Rob S. Saxton, Superintendent
Tigard-Tualatin School District
6960 SW Sandburg Street
Tigard, OR 97223-8039

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