

**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 North Clackamas School District     )     Case No. DP 11-115  
   )

**FINDINGS OF FACT**

(1) On April 26, 2011, Diane Wiscarson, attorney at law, filed a request for due process hearing with the Oregon Department of Education (Department) on behalf of Parents and Student. The Department referred the request to the Office of Administrative Hearings (OAH) on April 26, 2011. The OAH assigned the case to Senior Administrative Law Judge John Mann.

(2) ALJ Mann conducted a pre-hearing conference, by telephone, on May 31, 2011. Parents and Student were represented by Ms. Wiscarson. The District was represented by its attorney, Graham Hicks. The parties jointly requested to waive the 45 day deadline to issue the order in this case to allow the parties time to pursue mediation. ALJ Mann granted the request and scheduled the hearing for October 31 through November 4, 2011.

(3) ALJ Mann conducted a telephone status conference on October 10, 2011. Parents and Student were represented Ms. Wiscarson. The District was represented by Mr. Hicks. The parties jointly requested to postpone the hearing to allow them to complete a proposed settlement agreement. ALJ Mann granted that request and rescheduled the hearing for waive the 45 day deadline to issue the order in this case and a hearing was scheduled for January 12, 13, and 17 through 19, 2012.

(4) On December 5, 2011, Ms. Wiscarson notified the Office of Administrative Hearings, via e-mail, that the parties had resolved all issues in dispute and requested that the hearing request be dismissed with prejudice.

**ORDER**

The April 26, 2011 request for a due process hearing has been withdrawn and the case is dismissed with prejudice.



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John Mann, 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 13th day of December, 2011 with copies mailed to:

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