## 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 Salem-Keizer School District	)	Case No. DP 11-116

#### FINDINGS OF FACT

- (1) On May 23, 2011, Surrogate Parent (Parent), mother of adult Student, filed a request for a due process hearing with the State Superintendent of Public Instruction, alleging that Salem-Keizer School District (District) had failed to provide a free and appropriate education for Student as required under the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA), 20 USC §§ 1400 et seq.
- (2) The matter was referred to the Office of Administrative Hearings (OAH) on May 24, 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 June 27, 2011.
- (3) On June 7, 2011, ALJ House denied District's Request for Determination on Sufficiency of Due Process Complaint. The matter remained set for a pre-hearing conference as scheduled.
- (4) On June 14, 2011, Parent notified the OAH that Parent and District had reached an agreement and Parent withdrew the May 23, 2011 request for a due process hearing.
- (5) Accordingly, based on Parent's request and representation that Parent and District have settled by agreement the issues raised in the May 23, 2011 due process hearing request, a contested case proceeding is no longer required.

#### **ORDER**

The hearing request of May 23, 2011, regarding issues raised by Parent on behalf of Student against Salem-Keizer School District, having been withdrawn, is **DISMISSED** with prejudice.

V. Burnell Hom

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 14th day of June, 2011 with copies mailed to:

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