## BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS STATE OF OREGON

# for the SUPERINTENDENT OF PUBLIC INSTRUCTION

IN THE MATTER OF THE EDUCATION OF	)	CORRECTED <sup>1</sup> FINAL ORDER OF DISMISSAL
Student and Portland Public School District	)	Case No. DP 11-129

#### FINDINGS OF FACT

- (1) On October 11, 2011, Parents filed a request for a due process hearing. On October 12, 2011, the Oregon Department of Education referred the request to the Office of Administrative Hearings ("OAH").
- (2) On November 14, 2010 2011, Administrative Law Judge ("ALJ") McGorrin held a Pre-Hearing Conference via telephone. Counsel for Parent, Lana L. Traynor, and counsel for the Portland Public School District, Suzy Harris, attended. Counsel advised that they were pursuing mediation. ALJ McGorrin scheduled a further Pre-Hearing Conferences for November 22, 2011. On November 20, 2011, the parties advised that the case settled at mediation on November 16, 2011. The parties stated that they would advise the OAH when the settlement agreement was finalized. On January 11, 2012, the parties told the OAH that the agreement was complete, and that Parents were withdrawing their request for a due process hearing

#### ORDER

Parents' request for a due process hearing has been withdrawn and the case is dismissed with prejudice.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

<sup>&</sup>lt;sup>1</sup> This Corrected Final Order of Dismissal contains all the original text from the Final Order of Dismissal issued January 12, 2012. Due to scrivener's error, incorrect text is deleted with strikethrough and the corrected text is in **boldface** type.

ENTERED at Salem, Oregon this 12th 24th day of January, 2012 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 24th day of January, 2012, I served a copy of the Corrected Final Order of Dismissal for Case No. DP 11-129 on the following:

## **FIRST CLASS MAIL:**

Parent(s) of Student 3340 SE Harold Court Portland, OR 97214

Lana L. Traynor, AAL Lana L. Traynor LLC 6950 SW Hampton Street, Suite 336 Tigard, OR 97223

Suzy Harris, AAL Portland Public Schools 501 N. Dixon Street Portland, OR 97227

Carole Smith, Superintendent Portland Public School District PO Box 3107 Portland, OR 97208-3107

## **BY SHUTTLE MAIL:**

Claudette Rushing, Legal Specialist Oregon Department of Education 255 Capitol Street NE Salem, OR 97310

> Joanne Call, Hearings Coordinator Office of Administrative Hearings