

**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 Silver Falls School District     )     Case No. DP 11-130  
  )     )

**FINDINGS OF FACT**

(1) On November 14, 2011, Diane Wiscarson, Attorney at Law, filed a request for a due process hearing on behalf of Parent and Student, with the Silver Falls School District (District) and the State Superintendent of Public Instruction, alleging that the 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 November 16, 2011, to be set for hearing and was assigned to Senior Administrative Law Judge (ALJ) A. Bernadette House.

(3) ALJ House convened a pre-hearing teleconference on December 16, 2011. Ms. Wiscarson appeared on behalf of Student. Rich Cohn-Lee, Attorney at Law, appeared on behalf of the District. Resolution had been waived by the agreement of both parties because the parties agreed to work towards resolution through mediation. Mediation was scheduled for January 12, 2012 and was expected to be scheduled for a second day. Because the parties had set a date for mediation and were working towards resolution of the matter, the parties' joint request to extend the 45-day deadline to a date certain was granted. The hearing was set for April 30, 2011 through May 4, 2011, and relevant deadlines were agreed upon. The Final Order was to be issued on or before June 28, 2012.

(4) On March 21, 2012, Ms. Wiscarson notified the OAH that Rich Cohn-Lee was no longer representing District and that Graham Hicks, Attorney at Law, had assumed representation of District. Ms. Wiscarson also stated that Parent, Student, and District had reached an agreement on all issues raised in the November 14, 2011 request for a due process hearing. Ms. Wiscarson therefore requested that the request for due process hearing be dismissed with prejudice.

(5) Accordingly, based on Parent's request, through counsel, and representation that Parent, Student and District have settled by agreement the issues raised in the November 14, 2011 due process hearing request, a contested case proceeding is no longer required.

## ORDER

The hearing request of November 14, 2011, regarding issues raised by Parent and Student against Silver Falls School District, having been withdrawn, is **DISMISSED** with prejudice.

/s/ 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 10th day of April, 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 10th day of April, 2012, I served a copy of the Final Order of Dismissal for Case No. DP 11-130 on the following:

FIRST CLASS MAIL:

Parent(s) of Student  
803 E Main Street  
Silverton, OR 97831

Diane Wiscarson, AAL  
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Andy Bellando, Superintendent  
Silver Falls School District  
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BY SHUTTLE MAIL:

Claudette Rushing, Legal Specialist  
Oregon Department of Education  
255 Capitol Street NE  
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Joanne Call, Hearings Coordinator  
Office of Administrative Hearings