

**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 Portland Public School District     ) Case No. DP 12-105  
  )

**FINDINGS OF FACT**

(1) On April 9, 2012, Parent filed a request for a due process hearing. On April 10, 2012, the Oregon Department of Education referred the request to the Office of Administrative Hearings (“OAH”).

(2) On May 14, 2012, Administrative Law Judge (“ALJ”) Joe Allen held a Pre-Hearing Conference via telephone. Parent’s counsel, Mary Broadhurst, and counsel for the Portland Public School District (the “District”), Graham Hicks, attended. ALJ Allen scheduled the due process hearing for August 20-23, 2012. On June 14, 2012, a second pre-hearing conference was held. The parties indicated that a tentative agreement had been reached. The District stated that it was unable to comply with the terms of the agreement until the new school year resumed in September 2012. Accordingly, ALJ Allen granted the parties’ request for a postponement of the due process hearing until October 16, 2012.

(3) On September 17, 2012, the OAH received a letter from Ms. Broadhurst stating that the matter had been resolved. Ms. Broadhurst requested that the due process request be dismissed with prejudice.

**ORDER**

The Parent’s request for a due process hearing has been withdrawn and the case is dismissed with prejudice.

/s/ Denise Marie  
McGorin  
\_\_\_\_\_  
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 19th day of September, 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 19th day of September, 2012, I served a copy of the Final Order of Dismissal for Case No. DP 12-105 on the following:

FIRST CLASS MAIL:

Parent(s) of Student  
7827 N Mississippi Ave.  
Portland, OR 97217

Mary E. Broadhurst, AAL  
PO Box 1556  
Springfield, OR 97477-0167

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

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

/s/Joanne Call  
Hearing Coordinator