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 Bend-LaPine School District)	Case No. DP 12-115

FINDINGS OF FACT

- (1) On December 20, 2012, Diane Wiscarson, Attorney at Law, filed a request for a due process hearing on behalf of Parent and Student, with 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. The parties, having made a joint request to go to mediation, waived the resolution sessions. Therefore, the resolution period ended January 22, 2013, no resolution session having been held
- (2) The matter was referred to the Office of Administrative Hearings (OAH) on December 21, 2012, to be set for hearing and was assigned to Senior Administrative Law Judge (ALJ) A. Bernadette House. ALJ House convened a pre-hearing teleconference on January 28, 2013. Ms. Wiscarson appeared on behalf of Parent. Rich Cohn-Lee, Attorney at Law of the Hungerford Law Firm, appeared on behalf of District. The parties informed ALJ House that they had scheduled mediation and a follow-up Individual Education Plan meeting for February 25 and 26, 2013. 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.
- (3) The hearing was set for April 29 through May 3, 2013 and May 6 through May 10, 2013; final order due on or before July 12, 2013. A status teleconference was set for March 15, 2013.
- (4) On February 27, 2013, Ms. Wiscarson informed the OAH that the parties had reached an agreement on all issues raised in the December 20, 2012 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 the parties have settled by agreement the issues raised in the December 20, 2012 due process hearing request, a contested case proceeding is no longer required.

ORDER

The hearing request of December 20, 2012, regarding issues raised by Parent and Student against Bend LaPine School District, having been withdrawn, is **DISMISSED** with prejudice.

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 28th day of February, 2013 with copies mailed to:

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