

**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 Woodburn School District) Case No. DP 13-111
)

FINDINGS OF FACT

(1) On July 17, 2013, Diane Wiscarson, Attorney at Law, filed with the State Superintendent of Public Instruction a request for a due process hearing on behalf of Parents and Student. The due process complaint alleged, among other things, that the District denied the student educational opportunities and prevented the parents from meaningfully participating in the student's education in violation of the Individuals with Disabilities Education Act of 2004 (IDEA). The complaint also alleged that the district failed to provide the student with a free appropriate public education (FAPE), including appropriate placement, and failed to evaluate the student in all areas of suspected disability in violation of the IDEA. The parents requested that the resolution session be waived and that the District agree to participate in mediation. The District so agreed.

(2) The matter was referred to the Office of Administrative Hearings (OAH) on July 18, 2013. OAH assigned Senior Administrative Law Judge (ALJ) Alison Greene Webster to the matter. ALJ Webster convened a prehearing teleconference on August 20, 2013. Ms. Wiscarson appeared on behalf of Parents. Rich Cohn-Lee, Attorney at Law appeared on behalf of District. The parties informed ALJ Webster that they had scheduled mediation session for October 15, 2013. Because the parties had set a date for mediation and were working towards resolution of the matter, the ALJ granted the parties' joint request to extend the 45-day deadline. ALJ Webster set a second prehearing teleconference for October 17, 2013. ALJ Webster extended the deadline to issue the Final Order in this case to December 2, 2013, 45 days after the October 17, 2013 prehearing conference.

(3) On October 17, 2013, the parties advised ALJ Webster that the mediation session was successful, that the parties had reached a tentative settlement and that they expected to sign a settlement agreement within the following week. A third prehearing telephone conference was set for October 31, 2013, if necessary.

(4) On October 29, 2013, Ms. Wiscarson informed the OAH that all issues had been resolved and settled in the matter. She requested that OAH issue a dismissal of the due process complaint and hearing request with prejudice and cancel the October 31, 2013 conference.

(5) Accordingly, based on Parents' request, through counsel, and representation that the parties have settled by agreement all issues raised in the July 17, 2013 due process complaint and hearing request, the matter is dismissed with prejudice.

ORDER

The July 17, 2013 due process complaint and request for hearing regarding issues raised by the Parents and Student against Woodburn School District, having been withdrawn, is **DISMISSED** with prejudice.

Alison Greene Webster
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 1st day of November, 2013 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 1st day of November, 2013, I served a copy of the Final Order of Dismissal for Case No. DP 13-111 on the following:

BY FIRST CLASS MAIL:

Parent(s) of JE
1000 Willow Ave
Woodburn, OR 97071

Diane Wiscarson
Attorney at Law
Wiscarson Law PC
510 SW 3rd Avenue, Suite 439
Portland, OR 97204

Richard G. Cohn-Lee
Attorney at Law
Hungerford Law Firm LLP
PO Box 3010
Oregon City, OR 97045

Chuck Ransom, Superintendent
Woodburn SD
965 N Boones Ferry Rd
Woodburn, OR 97071-9602

Claudette Rushing, Legal Specialist
Department of Education
255 Capitol Street NE
Salem, OR 97310-0203

Ryan Clark
Hearing Coordinator
Office of Administrative Hearings