

**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 CENTRAL CURRY SCHOOL     )     Case No. DP 13-117  
DISTRICT    )

**FINDINGS OF FACT**

(1) On October 22, 2013, Parents filed a request for due process hearing with the State Superintendent of Public Instruction on behalf of STUDENT.

(2) On October 23, 2013, the Department of Education referred the hearing request to the Office of Administrative Hearings (OAH). The OAH assigned Senior Administrative Law Judge (ALJ) Joe L. Allen to preside over the hearing in this matter.

(3) On November 22, 2013, Sr. ALJ Allen held a prehearing conference. Diane Wiscarson, counsel for Parent, and Kelly Noor, counsel for the District, participated in the conference. At the conference, counsel for both parties informed the ALJ that resolution sessions were ongoing and the next was set for November 25, 2013. The ALJ set this matter for hearing on March 10 through 21, 2014.

(4) On or about December 20, 2013, Parents, through counsel Ms. Wiscarson, notified the OAH that the parties had reached a settlement and that Parents wished to withdraw the hearing request.

**ORDER**

The October 22, 2013 request for a due process hearing has been withdrawn and the case is dismissed with prejudice.

\_\_\_\_\_  
Joe L. Allen  
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 23<sup>rd</sup> day of December 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

I hereby certify that I served the foregoing FINAL ORDER OF DISMISSAL in Case No. DP 13-117 on the foregoing parties on the 23rd day of December 2013 by depositing a copy of said document in a sealed envelope in the United States Mail at Salem, Oregon, with the postage thereon fully prepaid, and addressed to:

Parent(s) of KA  
PO Box 1507  
Gold Beach, OR 97444

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

Kelly Noor  
Attorney at Law  
Garrett Hemann Robertson PC  
PO Box 749  
Salem, OR 97308

Dennis Johnson, Superintendent  
Central Curry School District 1  
29516 Ellensburg Avenue  
Gold Beach, OR 97444-9754

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

Ryan Clark  
Hearings Technician  
Office of Administrative Hearings