BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS STATE OF OREGON for the OREGON DEPARTMENT OF EDUCATION

IN THE MATTER OF THE EDUCATION OF) FINAL ORDER OF DISMISSAI
Student and Klamath County School) Case No.: DP 14-112
District)

FINDINGS OF FACT

- (1) On August 26, 2014, Mary Broadhurst, Attorney at Law, filed a request for a due process hearing on behalf of Parents and Student, with the Oregon Department of Education, alleging that Klamath County School District (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 agreed in writing to waive the resolution meeting in favor of proceeding with mediation. Therefore, the resolution period ended on September 25, 2014 with no resolution session having been held.
- (2) The matter was referred to the Office of Administrative Hearings (OAH) on August 26, 2014, to be set for hearing and was assigned to Senior Administrative Law Judge (ALJ) Bernadette H. Bignon. ALJ Bignon convened a pre-hearing teleconference on September 26, 2014. Ms. Broadhurst appeared on behalf of Parents and Student. Graham Hicks, Attorney at Law, appeared on behalf of District. The parties informed ALJ Bignon that mediation was scheduled for October 9, 2014. Because the parties has scheduled 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 December 15 through 19, 2014, final order due on or before February 27, 2015.
- (3) On November 25, 2014, Ms. Broadhurst informed the OAH that the parties had reached an agreement in mediation and that Parents were requesting to withdraw the hearing request of August 26, 2014.
- (5) Accordingly, based on Parents' request, through counsel, and representation that the parties have settled by agreement the issues raised in the August 26, 2014 due process hearing request, a contested case proceeding is no longer required. The matter will be dismissed with prejudice and the hearing scheduled for December 15 through 19, 2014 will be removed from the calendar.

ORDER

The hearing request of August 26, 2014, regarding issues raised by Parents and Student against Klamath County School District, having been withdrawn, is **DISMISSED** with prejudice.

Bernadette H. Bignon
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 25th day of November, 2014, 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 14-112 on the foregoing parties on the 25th day of November 2014 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 EP 6530 Reeder Rd. Klamath Falls, OR 97603

Mary E. Broadhurst Attorney at Law PO Box 1556 Springfield, OR 97477-0167

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

Greg Thede, Superintendent Klamath County School District 10501 Washburn Way Klamath Falls, OR 97603-8626

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/s/ Carol Buntjer Carol Buntjer Hearings Coordinator