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 DISMISSAL**
	)
STUDENT AND WEST LINN-	) Case No.: DP 16-113
WILSONVILLE SCHOOL DISTRICT	)

FINDINGS OF FACT

(1) On August 9, 2016, Elizabeth Polay and Diane Wiscarson, Attorneys at Law, filed a request for a due process hearing (hearing request) on behalf of Parents and Student with the Oregon Department of Education, alleging that West Linn-Wilsonville 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 mutually waived the resolution session in favor of pursuing mediation. No resolution session was held.

(2)   The matter was referred to the Office of Administrative Hearings (OAH) on August 10, 2016, to be set for hearing and was assigned to Senior Administrative Law Judge (ALJ) Bernadette H. Bignon.

(3)   Presiding ALJ John Mann, on behalf of ALJ Bignon, convened a prehearing teleconference on September 14, 2016. Ms. Polay appeared on behalf of Parents and Student. Joel Hungerford, Attorney at Law of the Hungerford Law Firm, accompanied by Jennifer Spencer-Iiams, Assistant Superintendent for Student Services, appeared on behalf of District. The parties were scheduled to meet in mediation on September 21, 2016. ALJ Mann granted the parties' joint request to waive the 45-day deadline to a date certain to allow the parties to continue with mediation. The hearing was set for November 28, 2016 through December 1, 2016. February 16, 2017 was the deadline established for issuing the final order.

(3) On September 22, 2016, Ms. Polay, on behalf of Parents and Student, informed the OAH that the parties had reached an agreement on all issues raised in the August 9, 2016 request for a due process hearing. Ms. Polay therefore requested that the request for due process hearing be dismissed with prejudice.

(4) Accordingly, based on Parents' request, through counsel, and representation that the parties have settled by agreement the issues raised in the August 9, 2016 due process hearing request, a contested case proceeding is no longer required.

ORDER

The hearing request of August 9, 2016, regarding issues raised by Parents and Student against West Linn-Wilsonville School District having been withdrawn, is **DISMISSED** with prejudice. The hearing set for November 28 through December 1, 2016 is **CANCELLED.**

Bernadette 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 23rd day of September 2016 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 16-113 on the foregoing parties on the 23rd day of September 2016 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:

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Alesia Vella for Lucy Garcia
Hearing Coordinator
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