

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

IN THE MATTER OF:THE)	FINAL ORDER OF DISMISSAL
EDUCATION OF)	
)	OAH Case No. 2017-ABC-00412
J.B. AND SPRINGFIELD SCHOOL)	Agency Case No. DP 17-106
DISTRICT 19)	

FINDINGS OF FACT

(1) On March 20, 2017, Parent filed a request for due process hearing with the State Superintendent of Public Instruction on behalf of J.B. (Student). On March 20, 2017, the Department of Education referred the hearing request to the Office of Administrative Hearings (OAH). The OAH assigned Administrative Law Judge (ALJ) Jill Marie Messecar to preside over the hearing in this matter.

(2) On April 25, 2017 and April 26, 2017 ALJ Messecar held prehearing conferences with Parent and counsel for the school district (District), Richard Cohn-Lee. Upon agreement of the parties, the 45-day hearing timeline was waived, and the ALJ extended the time limits for issuance of the final order to a date certain, August 4, 2017.

(3) In May of 2017, Attorney Melissa Wischerath undertook representation of Student and Parent. On May 8, 2017 a third pre-hearing conference was held with Ms. Wischerath and Mr. Cohn-Lee. The time limit for issuance of the final order was extended to December 8, 2017 upon request of the parties. On May 25, 2017, with the agreement of the District, Ms. Wischerath filed an amended complaint. On June 9, 2017, in response to issues Mr. Cohn-Lee raised regarding the sufficiency of the amended complaint, Ms. Wischerath filed a second amended complaint.

(4) On June 23, 2017, the District, through attorney Mr. Cohn-Lee, filed a Motion for Determination of Sufficiency of Due Process Notice (motion). On June 30, 2017 the motion was granted and issues 3, 6, and 7 in second amended complaint dated June 9, 2017 were dismissed.

(5) On August 3, 2017, Counsel for Student notified the OAH that the parties had settled the case through mediation and requested a voluntary dismissal of the hearing request without prejudice.

ORDER

The March 20, 2017 due process hearing request and all of the amended complaints have been withdrawn and the case is dismissed without prejudice.

Jill Marie Messecar
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 18th day of August, 2017, with copies mailed to:

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

CERTIFICATE OF MAILING

On August 18, 2017 I mailed the foregoing Final Order of Dismissal in OAH Case No. 2017-ABC-00412 to the following parties.

By: First Class Mail

Parent(s) of Student
620 Level Lane
Springfield OR 97477

Melissa Wischerath, Attorney at Law
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Springfield OR 97477

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BY ELECTRONIC MAIL:

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