

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

IN THE MATTER OF:THE EDUCATION OF C.M. AND HERMISTON SCHOOL DISTRICT 8) FINAL ORDER)) OAH Case No. 2019-ABC-02532) Agency Case No. DP 19-104
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FINDINGS OF FACT

1. On February 22, 2019, Kevin Brague, attorney at law, filed a Request for Due Process Hearing with the Oregon Department of Education (ODE). ODE subsequently referred the request to the Office of Administrative Hearings (OAH). The OAH assigned the case to Administrative Law Judge (ALJ) C. Meerdink for hearing.

2. On March 8, 2019, Joel Hungerford, attorney at law representing the District, filed a Motion for Sufficiency. On March 11, 2019, Mr. Brague filed a response to the sufficiency motion and an Amended Request for Due Process Hearing. On March 12, 2019, Mr. Hungerford withdrew the District's Motion for Sufficiency.

3. On March 13, 2019, ALJ Meerdink emailed the parties and indicated that, because the District had withdrawn its sufficiency motion, that motion would not be addressed. The ALJ also indicated that the student's amended request had restarted the timeline for a resolution period, with the new resolution period ending on April 10, 2019.

4. On April 11, 2019, Mr. Brague notified the OAH that the parties had likely reached an agreed resolution, and that the parties would notify OAH when the resolution had been signed and executed.

5. On April 29, 2019, Mr. Brague filed a Notice of Dismissal of the Student's Amended Due Process Hearing Request.

ORDER

Parent's March 12, 2019 Amended Request for Due Process Hearing in the above-captioned matter is **DISMISSED** with prejudice.

C. Meerdink
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 6th day of May, 2019, 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 May 6, 2019 I mailed the foregoing **FINAL ORDER** in OAH Case No. 2019-ABC-02532 to the following parties.

By: First Class Mail

Parent(s) of Student
208 West Laird Ave
Hermiston OR 97838

Kevin Brague, Attorney at Law
Btague Law Firm
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Portland OR 97210

Tricia Mooney, Superintendent
Hermiston School District 8
305 SW 11th
Hermiston OR 97838

Joel Hungerford, Attorney at Law
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BY ELECTRONIC MAIL:

Elliot Field, Legal Specialist
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Anesia Valihov for Lucy M Garcia
Hearing Coordinator
Office of Administrative Hearings