

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

IN THE MATTER OF:THE EDUCATION OF I.S. AND EUGENE SCHOOL DISTRICT 4J) FINAL ORDER)) OAH Case No. 2019-ABC-03382) Agency Case No. 19-115
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HISTORY OF THE CASE

1. On December 13, 2019, Dr. Kimberly Sherman, attorney at law, filed a Due Process Complaint with the Oregon Department of Education (ODE) on behalf of Student I.S. and Student's parent, against Eugene School District 4J (District). ODE subsequently referred the request to the Office of Administrative Hearings (OAH). The OAH assigned the case to Administrative Law Judge (ALJ) Jessica E. Toth for hearing.

2. On January 14, 2020, the parties participated in a telephonic prehearing conference.

3. On February 4, 2020, the parties participated in a second telephonic prehearing conference.

4. On February 20, 2020, Dr. Sherman notified the OAH, via email which included Eugene School District 4J legal counsel Joel Hungerford and Richard Cohn-Lee, that the parties had reached a final resolution. On February 24, 2020, Dr. Sherman submitted to OAH and counsel for the District a Motion to Dismiss requesting that OAH case number 2019-ABC-03382 be dismissed with prejudice.

ORDER

The December 13, 2019 Due Process Complaint in the above-captioned matter is **DISMISSED** with prejudice and all upcoming dates associated with the matter have been vacated by the OAH.

Jessica E. Toth

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 February, 2020, 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 February 25, 2020 I mailed the foregoing Final Order of Dismissal in OAH Case No. 2019-ABC-03382 to the following parties.

By: Certified Mail

Parent(s) of Student
4918 Mahalo Drive
Eugene OR 97405

Kim Sherman, Attorney at Law
Education, Environmental & Estate Law Group LLC
PO Box 728
Eugene OR 97440

Gustavo Balderas, Superintendent
Eugene School District 4J
200 N Monroe St
Eugene OR 97402

Joel Hungerford, Attorney at Law
The Hungerford Law Firm LLP
PO Box 3010
Oregon City OR 97045

BY ELECTRONIC MAIL:

Elliot Field, Legal Specialist
Department of Education
255 Capitol Street NE
Salem, OR 97310-0203

Lucy M Garcia
Hearing Coordinator
Office of Administrative Hearings