

**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. 2021-ABC-05051
STUDENT AND MOLALLA RIVER)	Agency Case No. DP 21-114
SCHOOL DISTRICT 35)	

HISTORY OF THE CASE

On November 19, 2021, Parent filed with the Oregon Department of Education (Department) a Request for Due Process Hearing (Complaint) under the Individuals with Disabilities Education Act (IDEA) against the Molalla River School District 35 (District). The Department referred the Complaint to the Office of Administrative Hearings (OAH). The OAH assigned the matter to Administrative Law Judge (ALJ) John Mann.

On December 1, 2021, the District filed a Motion for Determination of Sufficiency of Due Process Complaint (Motion). In its Motion, the District asserted that the Complaint failed to satisfy the requirements of 20 U.S.C. §1415(b)(7)(A) and OAR 581-015-2345(2) as it failed to provide sufficient facts to support the allegations forming the issues for hearing. On December 8, 2021, ALJ Mann issued a Ruling on District’s Motion for Determination of Sufficiency of Due Process Complaint denying the District’s Motion.

On December 15, 2021, Parent filed a Request for Stay-Put Pendency seeking an order that Student remain in the educational placement reflected in the last agreed upon Individualized Education Plan (IEP).

On December 21, 2021, Parent notified the OAH via email that the parties had reached a final resolution on the matters in dispute. Parent also provided a copy of a Prior Written Notice (PWN) dated December 16, 2021 which reflected the agreement of the District to implement Student’s October 28, 2021 IEP in a public charter school as Parent had requested. Parent therefore informed the OAH that Parent wished to withdraw Parent’s request for hearing.

ORDER

The July November 19, 2021 Request for Due Process Hearing in the above-captioned matter is **DISMISSED** without prejudice. All upcoming dates associated with the matter have been vacated by the OAH. Parent’s Request for Stay-Put Pendency filed on December 15, 2021 is **DISMISSED** as moot.

John Mann

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 21st day of December, 2021, with copies mailed to:

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

CERTIFICATE OF MAILING

On December 21, 2021 I mailed the foregoing FINAL ORDER OF DISMISSAL issued on this date in OAH Case No. 2021-ABC-05051.

By: Certified Mail

Parent(s) of Student
36137 South Megan Road
Molalla OR 97038

Rich Cohn-Lee, Attorney for School District
The Hungerford Law Firm LLP
PO Box 3010
Oregon City OR 97045

By: Electronic Mail

Mike Franklin, Agency Representative
Oregon Department of Education
255 Capital Street
Salem OR 97310

Cortney Hokanson
Hearing Coordinator