BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS STATE OF OREGON

for the SUPERINTENDENT OF PUBLIC INSTRUCTION

IN THE MATTER OF THE EDUCATION OF) FINAL ORDER OF DISMISSAL
J.S. and Portland Public School District	OAH Case No. DP 10-105

FINDINGS OF FACT

- (1) On April 13, 2010, J.S.'s mother, by and through her attorney, Diane Wiscarson, requested a due process hearing. The matter was referred to the Office of Administrative Hearings on April 14, 2010, for hearing, and the matter was assigned to Administrative Law Judge (ALJ) Stephen H. Elmore. A pre-hearing teleconference was set for May 19, 2010.
- (2) ALJ Elmore conducted the May 19, 2010, pre-hearing conference. The mother's attorney and the District's attorney informed ALJ Elmore that a mediation session had been scheduled for June 9, 2010, and requested waiver of the 45-day deadline to allow the parties to work toward resolution. A second pre-hearing conference was set for June 10, 2010.
- (3) ALJ Elmore conducted the June 10, 2010, pre-hearing conference. The mother's attorney informed ALJ Elmore that the District had selected attorney Graham Hicks to represent it, and that she and he expected to reach agreement on the issues. A third pre-hearing conference was set for July 1, 2010.
- (4) ALJ Elmore conducted the July 1, 2010, pre-hearing conference. The attorneys for both parties informed ALJ Elmore that they had reached agreement resolving all issues. The mother's attorney therefore requested that the mother's request for a due-process hearing be dismissed with prejudice. Because no issues remain to be resolved, a contested case proceeding no longer is required.

ORDER

All issues having been resolved, the hearing request of April 13, 2010, is **DISMISSED** with prejudice.

Stephen H. Elmore, 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 July, 2010 with copies mailed to:

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

CERTIFICATE OF SERVICE

On this 6th day of July, 2010, I served a copy of the Final Order of Dismissal for Case No. DP 10-105

FIRST CLASS MAIL:

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BY SHUTTLE MAIL:

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> Joanne Call, Hearings Coordinator Office of Administrative Hearings