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
Student and Tigard-Tualatin School District)	Case No. DP 10-106

FINDINGS OF FACT

- (1) On April 15, 2010, Student's Parents, by and through their attorney, requested a due process hearing. The matter was referred to the Office of Administrative Hearings (OAH) on June 2, 2010 for hearing. The matter was assigned to Administrative Law Judge (ALJ) A. Bernadette House of the OAH. A pre-hearing teleconference was set for May 24, 2010. During the pre-hearing conference, the parties made a joint request to postpone the prehearing conference. The parties also requested waiver of the 45-day deadline to allow the parties to work toward resolution. The requests were granted and the hearing was scheduled to start October 25, 2010.
- (2) On June 7, 2010, District's attorney, informed ALJ House that a necessary witness would be out of town during the week that the hearing was scheduled to be held and requested that the hearing be postponed to the week of November 8, 2010. Parent's attorney was contacted and agreed to the postponement.
- (3) A pre-hearing conference was scheduled for October 29, 2010. Due to a new assignment of duties, ALJ Jill Marie Messecar was assigned to handle the case. Both parties agreed to the reassignment. During the pre-hearing conference, the parties indicated that a mediation session had been scheduled for January 13, 2011 and asked that the hearing date be pushed back to allow the parties to complete the work toward resolution. The request was granted and the hearing was scheduled to be held the week of February 28, 2011.
- (3) On February 17, 2011, Student's Parents, by and through their attorney, withdrew the hearing request. Accordingly, the matter having been settled by agreement between the parties, a contested case proceeding is no longer required in this matter, based on the withdrawal of the hearing request by the requesting party and a mutual settlement of the issues raised by the parents' hearing request.

ORDER

The hearing request of April 15, 2010, having been withdrawn, is **DISMISSED** with prejudice as requested by the parents' attorney.

Ji 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 February 28th, 2011 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 February 28th, 2011, I served a copy of the Final Order of Dismissal for Case No. DP 10-106

FIRST CLASS MAIL:

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BY SHUTTLE MAIL:

✓ Ty Manieri, Legal Specialist Oregon Department of Education 255 Capitol Street NE Salem, OR 97310

> Joanne Call, Hearings Coordinator Office of Administrative Hearings