

**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**  
  )  
R.S. and Portland Public School District     ) Case No. DP 10-109  
  )

**FINDINGS OF FACT**

(1) On May 18, 2010, Parent filed a request for a due process hearing. On May 20, 2010, the Oregon Department of Education referred the request to the Office of Administrative Hearings (“OAH”).

(2) On June 21, 2010, Administrative Law Judge (“ALJ”) McGorin held a Pre-Hearing Conference via telephone. Parent, and counsel for the Portland Public School District, Graham Hicks, attended. Parent and Mr. Hicks advised that they were pursuing settlement discussions. ALJ McGorin scheduled a further Pre-Hearing Conference for July 6, 2010.

(3) On July 5, 2010, Parent sent an email to the OAH. In the email, Parent stated that Parent and the Portland Public School District signed a settlement agreement that was satisfactory to both parties. Parent requested that the due process hearing request be dismissed.

**ORDER**

The Parent’s request for a due process hearing has been withdrawn and the case is dismissed with prejudice.

\_\_\_\_\_  
Denise Marie McGorin, 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 10-109

FIRST CLASS MAIL:

Parent(s) of R.S.  
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Carole Smith, Superintendent  
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BY SHUTTLE MAIL:

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Oregon Department of Education  
255 Capitol Street NE  
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Joanne Call, Hearings Coordinator  
Office of Administrative Hearings