# BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS STATE OF OREGON for the SUPERINTENDENT OF PUBLIC INSTRUCTION

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### IN THE MATTER OF THE EDUCATION OF

## FINAL ORDER OF DISMISSAL

J.G. and Klamath County School District

#### Case No. DP 10-114

## **FINDINGS OF FACT**

(1) On June 15, 2010, J.G.'s Parent, by and through Parent's attorney, requested a due process hearing involving Klamath County School District and Klamath Falls City Schools. The matter was referred to the Office of Administrative Hearings (OAH) on June 16, 2010 to be set for hearing as a joint matter. The matter was assigned to Senior Administrative Law Judge (ALJ) A. Bernadette House of the OAH. A pre-hearing teleconference was set for July 19, 2010.

(2) At the July 19, 2010, teleconference, Parent's attorney, and counsel for both the County School District and the City School District, informed ALJ House that the parties were working towards resolving the issues and requested waiver of the 45-day deadline to a date certain to allow the parties to work toward resolution. The hearing date, relevant deadlines, and a second pre-hearing status conference for August 12, 2010 at 7:30 a.m. were set accordingly.

(3) On August 12, 2010, Parent's attorney, speaking for Parent and for counsel for Klamath County School District, informed ALJ House that Parent and Klamath County School District had reached agreement on all issues raised in the June 15, 2010 hearing request regarding Klamath County School District. Parent and Klamath Falls City Schools have not reached agreement as of this date and that matter remains set for hearing as scheduled.

(4) Parent's counsel requested to withdraw the hearing request regarding those allegations involving Klamath County School District as Respondent and to have the matter dismissed with prejudice. Accordingly, the matter having been settled by agreement between Parent and Klamath County School District regarding issues raised in the June 15, 2010 due process hearing request, a contested case proceeding is no longer required regarding these parties, based on the withdrawal of the hearing request by the requesting party and a mutual settlement of the issues raised by Parent's hearing request.

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#### ORDER

The hearing request of June 15, 2010, regarding issues raised by Parent on behalf of J.G. against Klamath County School District as Respondent, having been withdrawn, is **DISMISSED** with prejudice.

A. Bernadette House, Senior 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 12th day of August, 2010 with copies mailed to:

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