

**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**  
  )  
E.F. and Portland Public School District    ) Case No. DP 10-115  
  )

**FINDINGS OF FACT**

(1) On July 2, 2010, E.F.'s parents, by and through their attorney, requested a due process hearing. The matter was referred to the Office of Administrative Hearings on July 2, 2010, for hearing, and the matter was assigned to Administrative Law Judge (ALJ) Stephen H. Elmore. A pre-hearing teleconference was set for August 9, 2010.

(2) ALJ Elmore conducted the August 9, 2010, pre-hearing conference. The parents' attorney and the attorney for the District informed ALJ Elmore that a mediation session had been scheduled for August 26, 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 August 31, 2010.

(3) ALJ Elmore conducted the August 31, 2010, pre-hearing conference. The parents' attorney and the attorney for the District informed ALJ Elmore that the parties were moving toward agreement resolving all issues, and that a second mediation session had been scheduled for September 22, 2010. A third pre-hearing conference was set for September 30, 2010.

(4) The parties subsequently reached resolution of all issues, and on September 27, 2010, the parents' attorney requested that the parents' 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 July 2, 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 28th day of September, 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 28th day of September, 2010, I served a copy of the Final Order of Dismissal for Case No. DP 10-115

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