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 Gresham-Barlow School District))	Case No. DP 11-109

FINDINGS OF FACT

- (1) On February 23, 2011, 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 February 24, 2011 for hearing. The matter was assigned to Administrative Law Judge (ALJ) Jill Marie Messecar of the OAH. A pre-hearing teleconference was set for December 2, 2009.
- (2) At the March 31, 2011 teleconference, Parents' attorney, and counsel for the District, jointly informed ALJ Messecar that the due process hearing was closely tied to a federal case which was being settled. The parties stated that an agreement had been reached but the agreement had not yet been signed by all the parties, which they expected to happen soon. The parties jointly requested extension 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 were set accordingly.
- (3) On May 23, 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The February 23, 2011 request for a due process hearing has been withdrawn and the case is dismissed with prejudice.

Jil 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 15th day of June, 2011 with copies mailed to:

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