

**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 Portland Public School District) Case No. DP 11-111
))

FINDINGS OF FACT

(1) On March 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 March 23, 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 April 26, 2011.

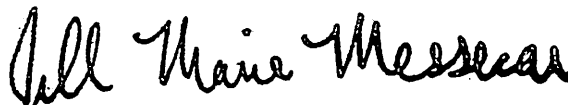
(2) At the April 26, 2011 pre-hearing teleconference, Parents' attorney and counsel for the District jointly informed ALJ Messecar that mediation was scheduled for June 13, 2011. The parties jointly requested extension of the 45-day deadline to a date certain to allow the parties to work toward resolution. A second pre-hearing status conference was set for June 20, 2011.

(3) At the June 20, 2011 pre-hearing teleconference, Parents' attorney, and counsel for the District, jointly informed ALJ Messecar that the mediation had been successful. The parties indicated that they were in the process of getting the mediation agreement signed by all of the parties and asked for an additional extension of the deadline in order to finalize the mediation agreement. A third pre-hearing status conference was set for July 21, 2011 and the order deadline extended to 45-days from that date.

(4) On June 29, 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The March 23, 2011 request for a due process hearing has been withdrawn and the case is dismissed with prejudice.



Jill 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 8th day of July, 2011 with copies mailed to:

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