

**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 11-114

FINDINGS OF FACT

(1) On April 21, 2011, Brian V. Baker, Attorney at Law, filed a request for a due process hearing on behalf of Student, joined by Parent and Student’s DHS caseworker, with Portland Public School District (District) and the State Superintendent of Public Instruction, alleging that the District had failed to provide a free and appropriate education for Student as required under the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA), 20 USC §§ 1400 *et seq.* Student is a ward of Multnomah County Juvenile Court and legal guardianship lies with the Department of Human Services, Child Welfare (DHS).

(2) The matter was referred to the Office of Administrative Hearings (OAH) on April 25, 2011, to be set for hearing and was assigned to Senior Administrative Law Judge (ALJ) A. Bernadette House.

(3) ALJ House convened a pre-hearing teleconference on May 25, 2011. Mr. Baker appeared on behalf of Student and Graham Hicks, Attorney at Law, appeared on behalf of the District. Student had elected to mediate the matter and no resolution session had been held. Because the parties had set a date for mediation and were working towards resolution of the matter, the parties’ joint request to extend the 45-day deadline to a date certain was granted. The hearing was set for October 11-13, 2011 and relevant deadlines were agreed upon.

(4) On June 14, 2011, Mr. Baker notified the OAH that Student and the District had reached an agreement on all issues raised in the April 21, 2011 request for a due process hearing. Mr. Baker therefore requested that the request for due process hearing be dismissed with prejudice.

(5) Accordingly, based on Student’s request, through counsel, and representation that Student and District have settled by agreement the issues raised in the April 21, 2011 due process hearing request, a contested case proceeding is no longer required.

ORDER

The hearing request of April 21, 2011, regarding issues raised by Student against Portland Public School District, having been withdrawn, is **DISMISSED** with prejudice.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 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.