

**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 Springfield School District) Case No. DP 11-120
)

FINDINGS OF FACT

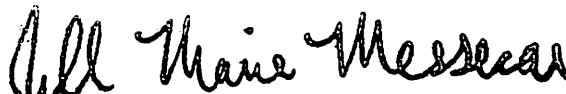
(1) On July 25, 2011, Student's Parents, by and through their attorney, filed a request for a due process hearing with the Springfield School District (the District.) The matter was referred to the Office of Administrative Hearings (OAH) on July 26, 2011 and ALJ John Mann was assigned to the case. On August 29, 2011 a prehearing conference was held.

(2) On October 27, 2011 the case was transferred to ALJ Jill Marie Messecar after ALJ Mann was assigned presiding judge duties. On November 1, 2011 a second prehearing conference was held and the parties informed the ALJ that they were in the process of reaching a settlement.

(3) On November 14, 2011 a third prehearing conference was held and the parties agreed that the settlement paperwork was almost complete. On November 22, 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The February 23, 2011 request for a due process hearing has been withdrawn and the case is dismissed with prejudice.



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 23rd day of November, 2011 with copies mailed to:

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