

**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 Parkrose School District) Case No. DP 11-125
)

FINDINGS OF FACT

(1) On September 9, 2011, Student’s Parents, through their representative Lana Traynor, Attorney at Law, filed a request for due process hearing with the State Superintendent of Public Instruction on behalf of Student.

(2) On September 19, 2011, Administrative Law Judge (ALJ) Jill Marie Messecar was assigned to the hearing. The Office of Administrative Hearings scheduled a prehearing teleconference for October 12, 2011 at 8:30 a.m., which was delayed due to technical difficulties. The prehearing teleconference was convened on October 13, 2011 at 9:30 a.m. Ms. Traynor appeared on behalf of Parents and Student. Richard Cohn-Lee appeared on behalf of the District. At the teleconference, the parties informed ALJ Messecar that the parties had jointly waived a resolution session in favor of mediation. As of the prehearing, the parties had not yet scheduled mediation but were working to schedule and hold a mediation session within the next 30 days.

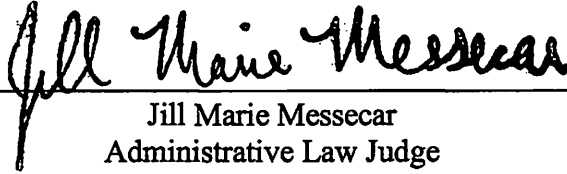
(3) Additionally, at the prehearing, the parties’ joint request to extend the hearing deadline four months to a date certain was granted. The parties agreed to set the hearing for March 26, 2011 through March 30, 2011. The parties also agreed to hold a second prehearing conference on December 7, 2011.

(4) On November 20, 2011, Ms. Traynor, on behalf of Parents, notified the Office of Administrative Hearings, via electronic mail (e-mail), that Parents and the District had resolved by agreement all issues raised in the September 9, 2011 due process hearing request through the mediation session held on November 18, 2011. Ms. Traynor therefore requested that the request for due process hearing be dismissed with prejudice.

(5) Accordingly, based upon Parents’ request through counsel, and the representation that Parents and District have settled by agreement all of the issues raised in the September 9, 2011 due process hearing request, a contested case proceeding is no longer required.

ORDER

The September 9, 2011 request for a due process hearing, regarding issues raised by Parents against Parkrose School District, having been withdrawn, 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 9th day of December, 2011 with copies mailed to:

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