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 North Clackamas School District)	Case No.: DP 12-102

FINDINGS OF FACT

- (1) On March 12, 2012, the Parents filed a request for a due process hearing with the State Superintendent of Public Instruction. The parties agreed to hold mediation in lieu of a resolution meeting. The mediation was scheduled for April 23, 2012 after the 30-day resolution period had ended (April 11, 2012) and ALJ Jill Marie Messecar was assigned to the case. On April 12, 2012 a prehearing conference was held.
- (2) Parents were represented by Diane Wiscarson, attorney at law, at the pre-hearing conference. Graham Hicks, attorney at law, represented the District. During the conference, the District requested the 45-day deadline for issuing the Final Order be extended to a date certain in order to hold mediation. ALJ Messecar granted the request and extended the deadline for issuing that final order another 60 days.
- (3) A second pre-hearing conference was held on May 15, 2012 held at which ALJ Messecar granted the parties' request to extend the hearing deadline to allow them to complete the mediation process. The deadline for issuing the final order was extended to November 30, 2012. A third pre-hearing conference was held on September 10, 2012. During the conference, the Parents indicated that the parties had held the mediation and devised a custom placement for the child at Student's neighborhood school. The Parents stated that the parties had scheduled an an IEP meeting on October 5, 2012 to determine if the placement was going well before deciding whether to go forward with the Due Process hearing. The deadline for issuing the final order was extended to January 24, 2013.
- (4) On November 5, 2012, the 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The March 12, 2012 request for a due process hearing has been withdrawn and the case is dismissed with prejudice.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 15th day of November 2012 with copies mailed to:

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

CERTIFICATE OF SERVICE

On this 15th day of November 2012, I served a copy of the Final Order of Dismissal for Case No. DP 12-102 on the following:

FIRST CLASS MAIL:

Parent(s) of Student 10860 SE Lenore Street Happy Valley, OR 97086

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Lucy Garcia

Hearing Coordinator
Office of Administrative Hearings