## 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 Oregon Connections Academy

Case No. DP 13-105

## **FINDINGS OF FACT**

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(1) On March 29, 2013, Parent filed a request for a due process hearing on behalf of Student, with the State Superintendent of Public Instruction, alleging that Oregon Connections Academy had violated Student's rights under Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA), 20 USC §§ 1400 *et seq.* The matter was referred to the Office of Administrative Hearings (OAH) on April 1, 2013. The OAH subsequently assigned the case to Administrative Law Judge (ALJ) Denise McGorrin for hearing.

(2) The OAH scheduled a telephone prehearing conference for May 2, 1013. Presiding ALJ John Mann conducted the conference in ALJ McGorrin's absence. Parent participated in the conference without counsel. Oregon Connections Academy was represented by its attorney, Karen M. Vickers. At the conference, the parties acknowledged that they had not held a resolution session, but were considering both a resolution session and possible mediation. The parties agreed to a hearing to be held from July 15 through 23 in Ashland, Oregon if they were unsuccessful in attempting to resolve the case.

(3) On May 28, 2013, the parties submitted a Stipulated Request for Final Order informing the OAH that the parties had fully compromised and settled the case and waived their rights to a contested case hearing and judicial review. The parties jointly requested that a final order be issued disposing of the case. Accordingly, based on parties' stipulation, a contested case proceeding is no longer required.

#### ORDER

The hearing request of March 29, 2013, regarding issues raised by Parent against Oregon Connections Academy is **DISMISSED** with prejudice.

John Mann Presiding 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 31<sup>st</sup> day of May 2013 with copies mailed to:

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# **CERTIFICATE OF SERVICE**

On this 31st day of May 2013, I served a copy of the FINAL ORDER ON DISMISSAL in Case No. DP 13-105 on the following:

BY FIRST CLASS MAIL AND EMAIL:

Carolyn Brafford 2007 Colestin Rd Ashland, OR 97520

BY FIRST CLASS MAIL:

Karen M. Vickers Attorney at Law Mersereau & Shannon LLP 1 SW Columbia Street, Suite 1600 Portland, OR 97258

Claudette Rushing, Legal Specialist Oregon Department of Education 255 Capitol Street NE Salem, OR 97310

Ryan Clark Hearings Coordinator Office of Administrative Hearings