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 Eugene School District))	Case No. DP 13-121

FINDINGS OF FACT

- (1) On November 20, 2013, Mary Broadhurst, Attorney at Law, counsel for Parent and Student, filed a request for due process hearing, with 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. The parties elected to go to mediation in lieu of resolution meeting(s). Therefore the resolution period ended with no resolution session having been held.
- (2) On November 21, 2013, the matter was referred to the Office of Administrative Hearings for a contested case hearing. Senior Administrative Law Judge A. Bernadette House was assigned to the matter and a prehearing teleconference was set to convene on December 23, 2013.
 - (3) On December 18, 2013, the parties attended mediation.
- (4) On December 20, 2013, Parent informed OAH that the parties had reached agreement on all issues raised in the hearing request. Parent therefore requested that the request for due process hearing be dismissed.
- (5) Accordingly, based on Parent's request, through counsel, and representation that the parties have settled by agreement the issues raised in the November 20, 2013 due process hearing request, a contested case proceeding is no longer required.

ORDER

The hearing request of November 20, 2013, regarding issues raised by Parent and Student against Eugene Public School District, having been withdrawn, is **DISMISSED** with prejudice. The prehearing teleconference scheduled for December 23, 2013 is cancelled.

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 24th day of December 2013 with copies mailed to:

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