

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
OREGON DEPARTMENT OF EDUCATION**

IN THE MATTER OF THE EDUCATION) **FINAL ORDER OF DISMISSAL**
OF)
) Case No.: DP 15-103
STUDENT AND YAMHILL-CARLTON)
SCHOOL DISTRICT

FINDINGS OF FACT

(1) On February 3, 2015, Parents, on behalf of Student, filed a request for a due process hearing (hearing request) with the Oregon Department of Education (ODE) alleging District had failed to provide a free and appropriate education to Student as required under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA).

(2) On February 4, 2015, ODE referred to the Office of Administrative Hearings (OAH) for a due process hearing. Senior Administrative Law Judge Bernadette H. Bignon was appointed to conduct the due process hearing.

(3) ALJ Bignon convened a pre-hearing teleconference on March 10, 2015. Mother appeared *pro se* and represented Parents and Student. Rich Cohn-Lee, Attorney at Law of the Hungerford Law Firm, appeared on behalf of District. The parties informed ALJ Bignon that a resolution session had not been held because the parties had begun mediation during the resolution period. Parents had thereafter withdrawn from mediation but no resolution session was held before the end of the resolution period. The parties' joint request to extend the 45-day deadline, to allow for preparation for hearing, to a date certain was granted. The hearing was set for May 18, 2015 through May 20, 2015 with the final order due on or before July 24, 2015.

(4) By email dated March 25, 2015, Parents' notified ALJ Bignon that they wished to withdraw their hearing request of February 3, 2015, in order to focus on family emergencies.

(5) Accordingly, based on Parents' request to withdraw the February 3, 2015 due process hearing request, a contested case proceeding is no longer required. The matter will be dismissed without prejudice and the hearing scheduled for May 18, 2015 through May 20, 2015 will be removed from the calendar.

ORDER

The hearing request of February 3, 2015, regarding issues raised by Parents and Student against Yamhill-Carlton School District, having been withdrawn, is **DISMISSED** without prejudice.

Bernadette H. Bignon

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 26th day of March, 2015, with copies mailed to:

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

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing FINAL ORDER of Dismissal in Case No. DP 15-103 on the foregoing parties on the 26th day of March 2015 by depositing a copy of said document in a sealed envelope in the United States Mail at Salem, Oregon, with the postage thereon fully prepaid, and addressed to:

Parent(s) of NL
945 E Main Street
Yamhill, OR 97148

Richard G. Cohn-Lee
Attorney at Law
Hungerford Law Firm LLP
PO Box 3010
Oregon City, OR 97045

Charan Cline, Superintendent
Yamhill-Carlton School District
120 N Larch Place
Yamhill, OR 97148

By: Shuttle

Claudette Rushing, Legal Specialist
Department of Education
255 Capitol Street NE
Salem, OR 97310-0203

Carol Buntjer
Hearings Coordinator