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

IN THE MATTER OF THE EDUCATION OF) FINAL ORDER OF DISMISSAL
STUDENT AND DAVID DOUGLAS SCHOOL DISTRICT) Case No.: DP 16-103

FINDINGS OF FACT

- (1) On February 16, 2016, Parents, filed a request for a due process hearing (hearing request) on behalf of Parents and Student with the Oregon Department of Education, alleging that David Douglas School District (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. Richard Cohn-Lee represented the District.
- (2) The matter was referred to the Office of Administrative Hearings (OAH) on February 16, 2016, to be set for hearing and was assigned to Administrative Law Judge (ALJ) Jill Marie Messecar. A notice of pre-hearing teleconference was sent on March 3, 2016 scheduling a pre-hearing teleconference for March 17, 2016 at 1:00 p.m. Neither the Parents nor the District appeared for the pre-hearing teleconference.
- (3) On March 1, 2016, the Oregon Department of Education received a copy of a Resolution Session Settlement Agreement (Agreement) for the due process complaint. The Agreement did not include a withdrawal of the Parents due process complaint. On April 1, 2016, Mother of Student, on behalf of Parents and Student, informed the Oregon Department of Education that the Parents were requesting to withdraw the due process complaint because the issues had been resolved.
- (4) Accordingly, based on Parent's request and representation that the parties have settled by agreement the issues raised in the February 16, 2016 due process hearing request, a contested case proceeding is no longer required. The matter will be dismissed.

ORDER

The hearing request of February 16, 2016, regarding issues raised by Parents and Student against David Douglas School District, having been withdrawn, is **DISMISSED**.

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 13th day of April 2016 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 13th day of April 2016, I served a copy of the Final Order of Dismissal for Case No. DP 16-103 on the following:

BY FIRST CLASS MAIL:

Parent(s) of Student 11712 SE Oak St Portland, OR 97216

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

Donald Grotting, Superintendent David Douglas School District 1500 SE 130th Avenue Portland, OR 97233-1799

Mike Franklin, Legal Specialist Department of Education 255 Capitol Street NE Salem, OR 97310-0203

<u>Lucy Garcia</u> Administrative Specialist Office of Administrative Hearings

Office of Administrative Hearings Survey

NOTE: This survey cannot be used to request your case be reopened, reconsidered or appealed.

The Office of Administrative Hearings is seeking feedback in an effort to improve service. Please take a moment to complete this survey and return it in the postage paid envelope provided. You can also take this survey online at http://www.olmis.org/oahsurvey

Case No: DP 16-103	Survey Date:					
Please Check One: Agency Rep AAG Party Attorney/Lay Rep for Pa	rty 🗌					
Was the decision in your case favorable to you? Yes ☐ No ☐	N/A					
					Don't	
	Excellent	Good	Fair	Poor	Know	
If you called or came into an OAH office, how would you rate the						
courtesy of OAH staff?						
Comments:						
Was the information in the notice of hearing accurate?						
Comments:						
Was the information in the notice of hearing adequate to prepare you						
for your hearing?						
Comments:						
How would you rate the length of time from when you received						
your notice of hearing to when your hearing took place?						
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How would you rate the Administrative Law Judge's knowledge and						
skill?						
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How would you rate the impartiality of the Administrative Law						
Judge?						
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Did the order clearly explain the decision?						
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Office of Administrative Hearings Survey Department of Education

	Excellent	Good	Fair	Poor	Don't Know
If you did, how satisfied were you with the resolution session process?					
If you did not, why didn't you use this process?			ļ	ļ	
Comments or suggestions about the resolution session process;					
Before this hearing request was filed, were you aware of the other disputes regarding special education issues (such as mediation or f Department of Education)? Yes No No N/A					
If you requested the hearing in this case, why did you choose to res	solve the dispu	te throug	th a hea	rino?	
Comments:	sorve me dispu	.c unoug	,11 u 11 c a	5.	