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 FERN RIDGE SCHOOL DISTRICT) Case No.: DP 16-112

FINDINGS OF FACT

- (1) On August 2, 2016, Mary Broadhurst, Attorney at Law, filed a request for a due process hearing (hearing request) on behalf of Parents and Student with the Oregon Department of Education, alleging that Fern Ridge 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.
- (2) The matter was referred to the Office of Administrative Hearings (OAH) on August 2, 2016, to be set for hearing and was assigned to Senior Administrative Law Judge (ALJ) Bernadette H. Bignon.
- (3) The parties met in a resolution session on August 10, 2016 and reached settlement. The written agreement was signed on August 12, 2016. On August 18, 2016, Ms. Broadhurst, on behalf of Parents and Student, informed the OAH that the parties had reached an agreement on all issues raised in the August 2, 2016 request for a due process hearing. Ms. Broadhurst therefore requested that the request for due process hearing be dismissed.
- (4) Accordingly, based on Parents' request, through counsel, and representation that the parties have settled by agreement the issues raised in the August 2, 2016 due process hearing request, a contested case proceeding is no longer required.

ORDER

The hearing request of August 2, 2016, regarding issues raised by Parents and Student against Fern Ridge School District having been withdrawn, is **DISMISSED** with prejudice.

Bernadette Bignon
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 19th day of August 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 19th day of August 2016, I served a copy of the Final Order of Dismissal for Case No. DP 16-112 on the following:

BY FIRST CLASS MAIL:

Parent(s) of Student 24663 Demming Ridge Rd Elmira OR 97437

Mary E Broadhurst Attorney at Law PO Box 1556 Springfield OR 97477-0167

Joel E Hungerford Hungerford Law Firm PO Box 3010 Oregon City OR 97045

Sally J Storm, Superintendent Fern Ridge School District 88834 Territorial Rd Elmira OR 97437-0000

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

Lucy Garcia

Hearing Coordinator
Office of Administrative Hearings