

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

IN THE MATTER OF:THE ) **FINAL ORDER OF DISMISSAL**  
EDUCATION OF )  
)  
**STUDENT AND LINCOLN COUNTY ) OAH Case No. 2017-ABC-00420**  
**SCHOOL DISTRICT ) Agency Case No. DP 17-107**

(1) On March 23, 2017, William E. Smith, Attorney at Law, filed a request for a due process hearing (hearing request) on behalf of Parent and Student with the Oregon Department of Education, alleging that Lincoln County 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) On March 27, 2017, the Department referred the matter to the Office of Administrative Hearings (OAH) to be set for hearing. The matter was assigned Senior Administrative Law Judge (ALJ) Bernadette H. Bignon.

(3) On April 27, 2017, ALJ Jill Marie Messecar, on behalf of ALJ Bignon, conducted a prehearing conference. Mr. Smith appeared on behalf of Parent and Student. Rich Cohn-Lee, Attorney at Law, of the Hungerford Law Firm, appeared on behalf of District. No resolution session had been held during the resolution period and the parties were not pursuing mediation. ALJ Messecar granted the parties' joint request to waive the 45-day deadline. The parties agreed to hold the hearing on October 9, 10, and 11, 2017. Briefing and other relevant deadlines were established. The Final Order was due to be issued on or before December 8, 2017.

(4) On May 15, 2017, Mr. Smith, on behalf of Parent and Student, filed a request to dismiss the March 23, 2017 due process hearing request. Accordingly, based on Parent's withdrawal of the March 23, 2017 due process hearing request, a contested case proceeding is no longer required.

**ORDER**

The hearing request of March 23, 2017, regarding issues raised by Parent and Student against Lincoln County School District having been withdrawn, is **DISMISSED** without prejudice.

The contested case hearing set for October 9, 10, and 11, 2017 is hereby **CANCELED**.

**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 16th day of May, 2017, with copies mailed to:

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

**CERTIFICATE OF MAILING**

On May 16, 2017 I mailed the foregoing **FINAL ORDER OF DISMISSAL** in OAH Case No. 2017-ABC-00420 to the following parties.

By: First Class Mail

Parent(s) of Student  
PO Box 1148  
Gleneden Beach OR 97388

William Smith, Attorney at Law  
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Steve Boynton, Superintendent  
Lincoln County School District  
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**BY ELECTRONIC MAIL:**

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Alesia K Vella  
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