

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

IN THE MATTER OF THE EDUCATION OF) **CORRECTED FINAL ORDER OF**
M.T. AND PORTLAND SCHOOL) **DISMISSAL**
DISTRICT 1J)
OAH Case No. **2017-ABC-00973**
Agency Case No. DP 17-114

This Corrected Order is being issued solely to correct an error in the case number in the caption above. I have considered the matters raised by Parent in her November 28, 2017 email and I decline to modify the order as requested. It is not necessary or appropriate to include Parent’s motivations for withdrawing the hearing request in the Final Order of Dismissal.

FINDINGS OF FACT

1. On September 28, 2017, the parent of Student filed a Request for Due Process hearing with the Oregon Department of Education (ODE). The ODE referred the request to the Office of Administrative Hearings (OAH).

2. On October 17, 2017, the parties signed a written Agreement to Continue Mediation After the 30-Day Resolution Period, Extend the 45-Day Deadline for Hearing, and Reschedule the Prehearing Conference. However, on November 3, 2017, Parent withdrew from mediation, thereby negating the parties’ October 17, 2017 agreement.

3. On November 7, 2017, Senior Administrative Law Judge (ALJ) Alison Greene Webster held a prehearing conference by telephone. The School District participated through counsel, Graham M. Hicks. Parent elected not to participate in the prehearing conference. During the conference, the District requested another waiver of the 45 day hearing timeline. Finding good cause for the waiver, the ALJ extended the time limits for issuance of the final order to a date certain, February 28, 2018. The hearing was scheduled for January 25, 26 and 29, 2018.

4. On November 9, 2017, OAH issued the Notice of Hearing and Rights providing the parties with notice of the hearing dates, time and location, the issue for hearing, the hearing schedule and deadlines, the rights of the parties and procedural matters.

5. Via electronic mail on November 20, 2017, Parent withdrew her due process request in this matter without prejudice.

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ORDER

Parent's request for due process hearings in the above-captioned matter is withdrawn. The case is dismissed without prejudice.

Alison Greene Webster
Senior Administrative Law Judge
Office of Administrative Hearings

CERTIFICATE OF MAILING

On November 28, 2017 I mailed the foregoing **CORRECTED FINAL ORDER OF DISMISSAL** in OAH Case No. 2017-ABC-00973 to the following parties.

By: First Class Mail

Guadalupe Guerrero, Superintendent
Portland School District 1J
PO Box 3107
Portland OR 97208

Graham Hicks, Attorney at Law
Murrayhill Professional Suites
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Beaverton OR 97007

BY ELECTRONIC MAIL:

Parent(s) of Student
3910 SE 31st Ave
Portland OR 97202

Elliot Field, Legal Specialist
Department of Education
255 Capitol Street NE
Salem, OR 97310-0203

Alesia K Vella
Hearing Coordinator
Office of Administrative Hearings