

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

IN THE MATTER OF:THE	)	<b>FINAL ORDER OF DISMISSAL</b>
EDUCATION OF	)	
	)	OAH Case No. 2018-ABC-02237
<b>M.S. AND EUGENE SCHOOL</b>	)	Agency Case No. DP 18-130
<b>DISTRICT 4J</b>	)	
	)	

**FINDINGS OF FACT**

1. On November 26, 2018, Dr. Kim Sherman, attorney at law, filed a Request for Due Process Hearing Complaint with the Oregon Department of Education (ODE). ODE subsequently referred the request to the Office of Administrative Hearings (OAH). The OAH assigned the case to Senior Administrative Law Judge (ALJ) Joe L. Allen for hearing. The matter was reassigned to ALJ Jill Marie Messecar

2. On January 11, 2019, the OAH mailed a Notice of Prehearing Teleconference to the parties, scheduling the teleconference for January 22, 2019. Attorney Kim Sherman represented Parent and Attorney Joel Hungerford represented the District. The parties jointly moved to extend the 45 day timeline issuing the order to allow the parties to participate in mediation. Finding good cause to do so, ALJ Messecar extended the time limits. A second prehearing teleconference was scheduled for February 22, 2019.

3. On February 20, 2019, Parent filed a First Amended Complaint (Amended Complaint). On February 22, 2019, the parties and ALJ Messecar participated in a second prehearing teleconference. Ms. Sherman represented Parent and Mr. Hungerford represented the District. At the prehearing conference, ALJ Messecar scheduled an in-person due process hearing for May 6 to May 13, 2019. The parties also established a prehearing motion schedule.

4. On March 15, 2019, the District filed a Motion for Summary Determination. On March 29, 2019, Parent filed a response to the District's motion for summary determination. On April 8, 2019 the OAH issued an order denying the District's motion for summary determination.

5. On April 18, 2019, ALJ Messecar conducted a Prehearing Teleconference. Attorney Kim Sherman represented Parent and Attorney Joel Hungerford represented the District. The hearing scheduled for May 6 to May 13, 2019 in Eugene was confirmed.

6. On April 26, 2019, Dr. Sherman filed a motion to dismiss for the Student after the parties reached a settled agreement.

## ORDER

Parent's November 26, 2018 Complaint February 20, 2019 Amended Complaint in the above-captioned matter is DISMISSED with prejudice.

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 30th day of April, 2019, 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 April 30, 2019 I mailed the foregoing Final Order of Dismissal in OAH Case No. 2018-ABC-02237 to the following parties.

By: First Class Mail

Parent(s) of Student  
3370 Lakeside Drive  
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Superintendent  
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**BY ELECTRONIC MAIL:**

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Lucy for Anesia N Valihov  
Hearing Coordinator  
Office of Administrative Hearings