

**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)
) OAH Case No. 2020-ABC-03971
J.R. AND REDMOND SCHOOL) Agency Case No. DP 20-111
DISTRICT 2J

HISTORY OF THE CASE

1. On August 6, 2020, Parent filed with the Oregon Department of Education (Department) a Request for Due Process Hearing (Complaint) under the Individuals with Disabilities Education Act (IDEA), the Americans With Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973 (Section 504) against Redmond School District 2J (District). The Department referred the Complaint to the Office of Administrative Hearings (OAH). The OAH assigned the matter to Administrative Law Judge (ALJ) Jessica E. Toth.

2. On August 21, 2020, the District filed a Motion for Determination of Sufficiency of Request for Hearing (Motion). Also on August 21, 2020, Parent filed a Response to Motion for Determination of Sufficiency of Request for Due Process (Response). On August 26, 2020, the OAH issued a ruling on the Motion. On September 17, 2020, Parent filed an Amended Request for Due Process Hearing (Amended Complaint).

3. On September 28, 2020, Kevin Brague, counsel for Parent, notified OAH via an email, which included counsel for Redmond School District 2J Melinda Thomas and ODE representative Mike Franklin, that the parties had reached a final resolution and requested that OAH issue a final order dismissing the matter with prejudice.

ORDER

The August 6, 2020 Request for Due Process Hearing and subsequent September 17, 2020 Amended Request for Due Process Hearing in the above-captioned matter are **DISMISSED** with prejudice and all upcoming dates associated with the matter have been vacated by the OAH.

Jessica E. Toth

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 29th day of September, 2020, with copies mailed to:

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

CERTIFICATE OF MAILING

On September 29, 2020 I mailed the foregoing FINAL ORDER OF DISMISSAL in OAH Case No. 2020-ABC-03971 to the following parties.

By: Certified Mail

Kevin C Brague, Attorney at Law
The Brague Law Firm LLC
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Portland OR 97239

Mike McIntosh, Superintendent
Redmond School District 2J
145 SE Salmon Ave
Redmond OR 97756

Melinda Thomas, Attorney at Law
Hdesd Legal Counsel
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BY ELECTRONIC MAIL:

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

Lucy M Garcia
Hearing Coordinator
Office of Administrative Hearings