

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
SUPERINTENDENT OF PUBLIC INSTRUCTION**

IN THE MATTER OF THE EDUCATION OF)	FINAL ORDER OF DISMISSAL
)	
Student and Hillsboro School District)	Case No. DP 11-121
)	

FINDINGS OF FACT

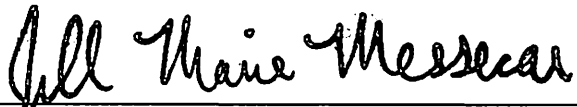
(1) On July 25, 2011, Student’s Parent, by and through his attorney, requested a due process hearing with Hillsboro School District (District) and the State Superintendent of Public Instruction, alleging that the District had failed to provide a free and appropriate education for Student as required under the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA), 20 USC §§ 1400 *et seq.* The matter was referred to the Office of Administrative Hearings (OAH) on July 29, 2011 for hearing. The matter was assigned to Administrative Law Judge (ALJ) Jill Marie Messecar of the OAH. A pre-hearing teleconference was set for August 31, 2011.

(2) At the August 31, 2011 pre-hearing teleconference, Parent’s attorney, Ms. Broadhurst and Rich Cohn-Lee, counsel for the District jointly informed ALJ Messecar that mediation was scheduled for September 14, 2011. No resolution session was held or scheduled to be held. ALJ Messecar granted the District’s unopposed request for a short extension of the 45-day deadline to a date certain to allow the parties to work toward resolution. The hearing was set to begin on October 14, 2011. A second pre-hearing status conference was set for September 15, 2011 to confirm the hearing dates and issues.

(3) On September 14, 2011, Ms. Broadhurst informed ALJ Messecar that the case had been settled. Student’s Parent, by and through his attorney, withdrew the hearing request. Accordingly, the matter having been settled by agreement between the parties, a contested case proceeding is no longer required in this matter, based on the withdrawal of the hearing request by the requesting party and a mutual settlement of the issues raised by the Parent’s hearing request.

ORDER

The July 25, 2011 request for a due process hearing has been withdrawn and the case is therefore **DISMISSED WITH PREJUDICE**.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 19th day of September, 2011 with copies mailed to:

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