

**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 Scio School District)	Case No. DP 13-103
)	

FINDINGS OF FACT

(1) On February 14, 2013, Student, by and through his/her attorney, requested a due process hearing with Scio 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 February 14, 2013 for hearing. The matter was assigned to Administrative Law Judge (ALJ) Jill Marie Messecar of the OAH. A pre-hearing teleconference was set for March 19, 2013.

(2) On March 12, 2013, Ms. Noor, counsel for the District, informed ALJ Messecar, via e-mail, that mediation was scheduled for April 29, 2013. Ms. Noor indicated in the e-mail that the parties were asking that the pre-hearing teleconference be rescheduled to a date after the mediation. No resolution session was held or scheduled to be held. On May 15, 2013 via e-mail, ALJ Messecar was informed that both parties agreed to schedule the hearing for the weeks of August 5th and August 12, 2013 and to extend the order due date to five weeks after the hearing. Via e-mail, ALJ Messecar granted the joint request for an extension of the 45-day deadline to allow the parties to work toward resolution. A pre-hearing teleconference was scheduled for May 9, 2013 at 8:30 a.m.

(3) On May 9, 2013, a pre-hearing teleconference was held with Ms. Wiscarson, counsel for Student, and Ms. Noor. Both parties indicated that they had come to an agreement and were working on getting the final agreement signed. The deadline that had been previously been extended was not changed. A second PHC was scheduled for May 23, 2013 in case the parties could not complete the agreement.

(4) On May 20, 2013, Ms. Wiscarson, via e-mail, informed ALJ Messecar that the case had been settled. Student, by and through her attorney, withdrew the hearing request and asked that the request be dismissed with prejudice. 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 Student's hearing request.

ORDER

The February 14, 2013 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 30th day of May 2013 with copies mailed to:

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