

**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 South Lane School District) Case No. DP 14-101E
))

FINDINGS OF FACT

(1) On February 27, 2014, Parents, requested an expedited due process hearing with South Lane 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 27, 2014 for hearing. The matter was assigned to Administrative Law Judge (ALJ) Jill Marie Messecar of the OAH. A pre-hearing (PHC) teleconference was set for March 17, 2014.

(2) On March 17, 2014, during the PHC, Parents, who appeared through counsel, Liane Inkster, informed ALJ Messecar, that the parties had reached a settlement and were in the process of getting it signed and finalized. Rich Cohn-Lee represented the District. The District agreed that the parties had reached a settlement. The parties agreed that they expected to have a finalized settlement within a few days. ALJ Messecar set a second pre-hearing teleconference to either set a hearing date or to dismiss the hearing request if the Parents were satisfied with the settlement. The timelines were not extended.

(3) On March 20, 2014, Ms. Inkster, via e-mail, informed ALJ Messecar that the case had been settled. Parents 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The February 27, 2014 request for a due process hearing has been withdrawn and the case is therefore **DISMISSED WITH PREJUDICE**.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 21st day of March, 2014 with copies mailed to:

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

CERTIFICATE OF SERVICE

On this 21st day of March 2014, I served a copy of the FINAL ORDER OF DISMISSAL in Case No. DP 14-101E on the following:

BY FIRST CLASS MAIL:

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