

**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. 2018-ABC-02122
J.W. AND SPRINGFIELD SCHOOL) Agency Case No. DP 18-128
DISTRICT 19

FINDINGS OF FACT

(1) On October 15, 2018, Parents filed a request for due process hearing with the State Superintendent of Public Instruction on behalf of J.W. (Student). The Department of Education referred the hearing request to the Office of Administrative Hearings (OAH). The OAH assigned Administrative Law Judge (ALJ) Jill Marie Messecar to preside over the hearing in this matter.

(2) On November 19, 2018, ALJ Messecar conducted a prehearing conference by telephone. Kelly Noor, attorney at law, appeared on behalf of the Springfield School District 19 (the District). Kim Sherman, attorneys at law, appeared along with the Parents. At the prehearing conference, Ms. Sherman requested the 45-day deadline for issuing the Final Order be extended to a date certain and the District joined the request. ALJ Messecar granted the request and scheduled the hearing for April 1, 2019 and the final order to be issued on 60 days after the hearing.

(3) On December 2, 2018, Ms. Sherman notified the OAH that the parties had settled the matter and wished to withdraw the hearing request with prejudice.

ORDER

The October 15, 2018 request for a due process hearing has been withdrawn and the case is dismissed with prejudice.

Because Parents have withdrawn their hearing request, a contested case hearing is no longer necessary and the hearing currently set for April 1, 2019 is cancelled.

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 6th day of December, 2018, 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 December 6, 2018 I mailed the foregoing in OAH Case No. 2018-ABC-02122 to the following parties.

By: First Class Mail

Parent(s) of Student
710 Woodcrest Drive
Springfield OR 97477

Kim Sherman, Attorney at Law
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Eugene OR 97440

Kelly D Noor, Attorney at Law
Garrett Hemann Robertson P.C.
Willamette Professional Center
1011 Commercial St NE
Salem OR 97301

Bruce Smolnisky, Superintendent
Springfield School District 19
525 Mill St
Springfield OR 97477

BY ELECTRONIC MAIL:

Elliot Field, Legal Specialist
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255 Capitol Street NE
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Lucy M Garcia
Hearing Coordinator
Office of Administrative Hearings