

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF OREGON  
for the  
OREGON DEPARTMENT OF EDUCATION**

IN THE MATTER OF:THE EDUCATION OF  <b>A.F. AND EUGENE SCHOOL DISTRICT 4J</b>	) ) ) ) ) )	<b>FINAL ORDER</b>  OAH Case No. 2019-ABC-02464 Agency Case No. DP 19-102
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**FINDINGS OF FACT**

1. On February 8, 2019, Kim Sherman, attorney at law, filed a Request for Due Process Hearing with the Oregon Department of Education (ODE). ODE subsequently referred the request to the Office of Administrative Hearings (OAH). The OAH assigned the case to Administrative Law Judge (ALJ) C. Meerdink for hearing.

2. On March 4, 2019, ALJ Meerdink convened a prehearing conference (PHC), with attorney Elizabeth Polay representing the District, and Ms. Sherman representing the Parent. During the PHC, the parties agreed to extend the 45-day deadline to issue a final order in this case to September 13, 2019. The parties also agreed to briefing schedules and hearing dates totaling 16 days in May and June 2019.

3. On April 4, 2019, Ms. Sherman requested via email that a PHC be scheduled to address discovery issues. On April 16, 2019, ALJ Meerdink convened a PHC, at which Ms. Sherman represented the Parent, and attorney Kelly Noor represented the District. After discussing discovery issues, ALJ Meerdink confirmed that the parties were still scheduled to begin the hearing on May 14, 2019.

4. On April 23, 2019, Ms. Sherman emailed the OAH and stated that the parties had reached a mediated settlement agreement in the case.

5. On May 2, 2019, Ms. Sherman emailed a Motion to Dismiss to the OAH stating that the Parent and District had executed a mediated agreement in the case, which included the requirement that Parent dismiss the Request for Due Process Hearing with prejudice.

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## ORDER

Parent's February 8, 2019 Amended Request for Due Process Hearing in the above-captioned matter is DISMISSED with prejudice.

C. Meerdink

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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 @ day of @, 201@, with copies mailed to:

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

**CERTIFICATE OF MAILING**

On May 24, 2019 I mailed the foregoing in OAH Case No. 2019-ABC-02464 to the following parties.

By: First Class Mail

Parent(s) of Student  
1805 Happy Lane  
Eugene OR 97401

Kim Sherman, Attorney at Law  
Education, Environmental & Estate Law Group LLC  
PO Box 728  
Eugene OR 97440

Kelly D Noor, Attorney at Law  
Willamette Professional Center  
1011 Commercial St NE  
Salem OR 97301

Gustavo Balderas, Superintendent  
Eugene School District 4J  
200 N Monroe St  
Eugene OR 97402

By: Electronic Mail

Mike Franklin, Legal Specialist  
Department of Education  
255 Capitol Street NE  
Salem, OR 97310-0203

Kelly M Degraaf  
Hearing Coordinator  
Office of Administrative Hearings