

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

IN THE MATTER OF:THE) **FINAL ORDER**
EDUCATION OF)
) OAH Case No. 2021-ABC-04600
K.W. AND MARCOLA SCHOOL) Agency Case No. DP 21-106
DISTRICT 79J

FINDINGS OF FACT

1. On May 28, 2021, Parent 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) Jessica E. Toth for hearing.

2. On June 10, 2021, Richard Cohn-Lee, attorney at law representing the District, filed a Motion for Determination of Sufficiency regarding the Request for Due Process Hearing. The ALJ ruled that the Request for Due Process Hearing was sufficient.

3. On July 29, 2021, Parent notified the OAH via electronic mail that the parties had reached a resolution of the issue contained in the Request for Due Process Hearing. The ALJ, also through electronic mail, informed the parties that Parent's written communication was accepted as a request to dismiss the due process complaint, and that the complaint would therefore be dismissed unless Parent advised otherwise.

4. On July 30, 2021, Parent confirmed via electronic mail that dismissal of the Request for Due Process Hearing was appropriate based on settlement of the sole issue put forth in that complaint.

ORDER

Parent's May 28, 2021 Amended Request for Due Process Hearing in the above-captioned matter is **DISMISSED** with prejudice. The due process hearing, previously set for September 29 and 30, 2021, is removed from the calendar. OAH retains no further jurisdiction over matter 2021-ABC-04600.

Jessica E. Toth

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 5th day of August, 2021, with a copy mailed to:

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

CERTIFICATE OF MAILING

On August 5, 2021, I mailed the foregoing FINAL ORDER issued on this date in OAH Case No. 2021-ABC-04600.

By: Certified Mail

Parent(s) of Student
2120 NE Baker St
McMinnville OR 97128

Terry Augustadt
Superintendent
Marcola School District 79J
38300 Wendling Rd
Marcola OR 97454

Rich Cohn-Lee
Attorney for School District
The Hungerford Law Firm LLP
PO Box 3010
Oregon City OR 97045

By: Electronic Mail

Mike Franklin
Agency Representative
Oregon Department of Education
255 Capitol St NE
Salem OR 97310

Anesia N Valihov
Hearing Coordinator