

**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. 2023-ABC-05967
CDC AND EUGENE SCHOOL)	Agency Case No. DP 23-106
DISTRICT 4J)	
)	

FINDINGS OF FACT

(1) On May 8, 2023, attorney Kim Sherman filed a request for due process hearing with the State Superintendent of Public Instruction on behalf of Parent and Student.

(2) On May 9, 2023, the Department of Education referred the hearing request to the Office of Administrative Hearings (OAH). The OAH assigned Administrative Law Judge (ALJ) C. Meerdink to preside over the hearing in this matter.

(3) On August 9, 2023, Ms. Sherman notified the OAH that they wished to withdraw the hearing request based on resolution of all issues in the due process complaint.

ORDER

The Student’s request for a due process hearing has been withdrawn and the case is dismissed with prejudice.

C. Meerdink

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.**

SERVICEMEMBERS’ CIVIL RELIEF ACT

Unless otherwise stated in this order, the Office of Administrative Hearings (OAH) has no reason to believe that a party to this proceeding is subject to the Servicemembers' Civil Relief Act (SCRA). If a party to this proceeding is a servicemember who did not appear for the hearing, within the servicemember's period of service, or 90 days after their termination of service, that party should immediately contact the agency to address any rights they may have under the SCRA.

CERTIFICATE OF MAILING

On August 10, 2023, I mailed the foregoing FINAL ORDER OF DISMISSAL issued on this date in OAH Case No. 2023-ABC-05967.

By: Certified Mail



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

Andy Dey, Superintendent
200 N Monroe St
Eugene OR 97402

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

Taylor Kinch, Attorney for School District
The Hungerford Law Firm
PO Box 3010
Oregon City OR 97045

Joel Hungerford, Attorney for School District
The Hungerford Law Firm
PO Box 3010
Oregon City OR 97045

By: Electronic Mail

Mike Franklin, Agency Representative
Oregon Department of Education
255 Capitol Street
Salem OR 97310

Sherry Fox Hames
Hearing Coordinator