

**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-06027
STUDENT AND FOREST GROVE) Agency Case No. DP 23-108
SCHOOL DISTRICT 15)

FINDINGS OF FACT

(1) On June 12, 2023, Parent filed a request for due process hearing with the State Superintendent of Public Instruction on behalf of Student.

(2) On June 12, 2023, the Department of Education referred the hearing request to the Office of Administrative Hearings (OAH). The OAH assigned Administrative Law Judge (ALJ) Alison Greene Webster to preside over the hearing in this matter.

(3) On June 30, 2023, ALJ Webster issued a Ruling on District’s Motion for Determination of Sufficiency on Due Process Complaint dismissing seven of Parent’s 14 claims in the due process complaint, and authorizing Parent to submit an amended complaint.

(4) On July 17, 2023 Parent filed an amended complaint. That same date, ALJ Webster convened a prehearing conference with the parties. The parties notified the ALJ of their mediation session scheduled for July 28, 2023.

(5) On July 24, 2023, Parent filed a second amended complaint.

(6) On July 28, 2023, via electronic mail, Parent notified the OAH that the parties had come to an agreement through mediation, and Parent wished to withdraw the hearing request based on resolution of all issues in the due process complaint.

ORDER

Parent’s June 12, 2023 request for a due process hearing has been withdrawn. OAH Case No. 2023-ABC-06027/Agency Case DP 23-108 is dismissed with prejudice.

Alison Greene Webster
Senior 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 1, 2023, I mailed the foregoing FINAL ORDER OF DISMISSAL in OAH Case No. 2023-ABC-06027 to the following parties.

By: Certified Mail



David Parker
Superintendent
1728 Main St
Forest Grove OR 97116

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

Taylor Kinch
Attorney at Law
The Hungerford Law Firm LLP
PO Box 3010
Oregon City OR 97045

BY ELECTRONIC MAIL:

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

Anesia N Valihov
Hearing Coordinator
Office of Administrative Hearings