

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

IN THE MATTER OF:THE EDUCATION OF  <b>E.B. AND PORTLAND SCHOOL DISTRICT 1J</b>	) ) ) ) ) )	<b>FINAL ORDER OF DISMISSAL</b>  OAH Case No. 2017-ABC-01098 Agency Case No. DP 17-133
---	----------------------------	---

**FINDINGS OF FACT**

1. On November 8, 2017, Parent filed a request for a due process hearing with the Oregon Department of Education (ODE). On November 13, 2017, the ODE referred the hearing request to the Office of Administrative Hearings (OAH). OAH assigned the matter to Senior Administrative Law Judge (ALJ) Alison Greene Webster.

2. On December 18, 2017, ALJ Webster held a prehearing conference by telephone. The School District participated through counsel, Graham Hicks. Parent did not participate in the conference. Counsel requested waiver of the 45 day hearing timeline to allow the parties to engage in mediation. ALJ Webster granted the waiver, set a second teleconference, along with dates for the hearing and a date certain for issuance of the order.

3. On February 26, 2018, ALJ Webster held a second prehearing conference by telephone. Attorney Hicks participated in the conference for the District, with District in-house counsel Elizabeth Brownhill. Parent did not call in for the conference. The District requested that the previously set hearing dates and date certain for the final order be modified to allow for an independent educational evaluation. ALJ Webster set a third teleconference, along with new hearing dates, and a new date certain for issuance of the order.

4. On June 5, 2018, ALJ Webster held the third prehearing conference by telephone. Attorneys Hicks and Brownhill participated for the District. Parent again did not call in for the conference. The District requested the previously set hearing dates and date certain be modified to allow for completion of the evaluation process and an IEP team meeting. ALJ Webster granted the request, and set another teleconference for September 11, 2018.

5. Via electronic mail on September 10, 2018, Parent formally withdrew the due process hearing request and requested dismissal without prejudice.

///

## ORDER

Parent's November 8, 2017 request for a due process hearing in the above-captioned matter is withdrawn. The case, DP 17-133, is dismissed with without prejudice.

Alison G. Webster  
\_\_\_\_\_  
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 11<sup>th</sup> day of September, 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 September 11, 2018 I mailed the foregoing FINAL ORDER OF DISMISSAL in OAH Case No. 2017-ABC-01098 to the following parties.

By: First Class Mail

Parent(s) of Student  
4506 NE Milk Blvd #206  
Portland OR 97211

Graham Hicks, Attorney at Law  
Murrayhill Professional Suites  
14780 SW Osprey Dr. Suite 280  
Beaverton OR 97007

Guadalupe Guerrero, Superintendent  
Portland School District 1J  
PO Box 3107  
Portland OR 97208

**BY ELECTRONIC MAIL:**

Elliot Field, Legal Specialist  
Department of Education  
255 Capitol Street NE  
Salem, OR 97310-0203

Ryan K Clark  
Hearing Coordinator  
Office of Administrative Hearings