

**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-04476
E.W. AND PORTLAND PUBLIC)	Agency Case No. DP 21-104
SCHOOL DISTRICT 1J)	

FINDINGS OF FACT

1. On March 26, 2021, attorneys Diane Wiscarson and Taylar Lewis filed a Request for Due Process Hearing with the Oregon Department of Education (ODE) on behalf of Student and Parents. On March 9, 2021, ODE referred the request to the Office of Administrative Hearings (OAH). The OAH assigned the case to Administrative Law Judge (ALJ) C. Meerdink.

2. On April 26, 2021, ALJ Meerdink held a prehearing conference (PHC), with Ms. Wiscarson and Ms. Lewis representing Student and Parents. Mother also participated in the PHCs. Attorney Elizabeth Polay represented the School District. Brian Baker and Mary Mertz also participated on behalf of the District. During the PHC, ALJ Meerdink scheduled the hearing for August 16 – 20, 2021.

3. On July 29, 2021, ALJ Meerdink held a second PHC, with Ms. Wiscarson and Ms. Lewis representing Student and Parents. Mother also participated in the PHC. Ms. Polay represented the School District. Mr. Baker also appeared for the District. At the PHC, ALJ Meerdink denied a request to reset the hearing and denied the district’s motion to compel discovery.

4. On August 16, 2021, Chief ALJ John Mann held a PHC, with the attorneys present. CALJ Mann informed the parties that the hearing was being rescheduled due to ALJ Meerdink becoming unavailable, and rescheduled the hearing for November 17-19, 22-24, and 30, 2021.

5. On November 3, 2021, Ms. Lewis emailed the OAH and District stating that the parties had settled the matter, and requesting that the OAH dismiss the case with prejudice.

///

///

///

ORDER

The March 26, 2021 Request for Due Process Hearing in the above-captioned matter 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.**

ENTERED at Salem, Oregon this 8th day of November, 2021, with copies mailed to:

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

CERTIFICATE OF MAILING

On November 8, 2021, I mailed the foregoing Final Order in OAH Case No. 2021-ABC-04476 to the following parties.

By: Certified Mail

Parent(s) of Student
2435 NE 48th Avenue
Portland OR 97213

Diane Wiscarson, Attorney at Law
Wiscarson Law
3330 NW Yeon Avenue Suite 240
Portland OR 97210

Taylor Lewis, Attorney at Law
Wiscarson Law
3330 NW Yeon Avenue Suite 240
Portland OR 97210

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

Brian Baker, Attorney at Law
Portland Public School Legal Counsel
501 N Dixon Street
Portland OR 97227

Elizabeth Polay, Attorney at Law
Garrett Hemann Robertson P.C.
1011 Commercial St. NE
Salem OR 97301

BY ELECTRONIC MAIL:

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

Lucy M Garcia
Hearing Coordinator
Office of Administrative Hearing