

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

IN THE MATTER OF:THE	)	<b>FINAL ORDER OF DISMISSAL</b>
EDUCATION OF	)	
	)	
<b>J.L. AND PORTLAND SCHOOL</b>	)	OAH Case No. 2018-ABC-01553
<b>DISTRICT 1J</b>	)	Agency Case No. DP 18-112
	)	

**FINDINGS OF FACT**

(1) On April 24, 2018, Parents filed a request for due process hearing with the State Superintendent of Public Instruction on behalf of J.L. (Student). The Department of Education referred the hearing request to the Office of Administrative Hearings (OAH). The OAH assigned Administrative Law Judge (ALJ) Jill Marie Messecar to preside over the hearing in this matter.

(2) On May 18, 2018, ALJ Messecar conducted a prehearing conference (PHC) by telephone. Taylor Richman, attorney at law, appeared on behalf of the Portland School District 1J (the District). No one appeared to represent Student or Parents. At the prehearing conference, the District requested the 45-day deadline for issuing the Final Order be extended to a date certain, in order to participate in a IEP meeting scheduled for June 4, 2018. ALJ Messecar granted the request and scheduled the hearing for August 22-23, 2018 and the final order to be issued on September 28, 2018. A second PHC was scheduled for June 13, 2018.

(3) On June 13, 2018, ALJ Messecar conducted the second PHC by telephone. Taylor Richman, attorney at law, appeared on behalf of the District. Foster parent, Mr. Lufkin, appeared to represent Parents and Student. Mr. Lufkin explained that the parties were still waiting on a placement decision. The parties discussed the hearing scheduled for August 22-23, 2018 and the parties asked that hearing be moved to September in order to prepare for hearing. ALJ Messecar granted the request and scheduled the hearing for September 18-19, 2018 and the final order to be issued on November 7, 2018.

(4) On July 27, 2018, Mr. Lufkin notified the OAH that the parties had settled the matter and requested withdrawal of the hearing request without prejudice.

**ORDER**

The April 24, 2018 request for a due process hearing in the above-captioned matter has been withdrawn. The case is dismissed without prejudice.

Because Parents have withdrawn their hearing request, a contested case hearing is no

longer necessary and the hearing currently set for September 18-19, 2018 is cancelled.

**Jill Marie Messecar**  

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**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 10th day of August, 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 August 10, 2018 I mailed the foregoing Final Order of Dismissal in OAH Case No. 2018-ABC-01553 to the following parties.

By: First Class Mail

Parent(s) of Student  
12013 SW 12th Place  
Portland OR 97219

Kathryn Underhill, Attorney at Law  
Youth Rights & Justice  
1785 NE Sandy Blvd #300  
Portland OR 97219

Jennifer McGowan, Attorney at Law  
Youth Rights & Justice  
1785 NE Sandy Blvd #300  
Portland OR 97219

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

Taylor Richman, Attorney at Law  
Miller Nash Graham & Dunn  
3400 US Bancorp Tower  
111 SW Fifth Ave  
Portland OR 97204

**BY ELECTRONIC MAIL:**

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

Lucy M Garcia  
Hearing Coordinator  
Office of Administrative Hearings