

**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>N.J. AND PORTLAND SCHOOL</b>	)	OAH Case No. 2018-ABC-01918
<b>DISTRICT 1J</b>	)	Agency Case No. DP 18-123

**FINDINGS OF FACT**

(1) On August 17, 2018, Parents, through their attorney, Diane Wiscarson, filed a request for due process hearing with the State Superintendent of Public Instruction on behalf of N.J. (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. The parties held a resolution session on or about August 31, 2018.

(2) On October 29, 2018, ALJ Messecar conducted a prehearing conference by telephone. Taylor Richman, attorney at law, appeared on behalf of the Portland School District 1J (the District). Mrs. Wiscarson, attorney at law, appeared along with the Parents. At the prehearing conference, the Parents requested the 45-day deadline for issuing the Final Order be extended to a date certain and the District joined the request. ALJ Messecar granted the request and scheduled the hearing for March 11, 2019 and the final order to be issued on 60 days after the hearing.

(3) On February 4, 2019, Mrs. Wiscarson notified the OAH that the parties had settled the matter and wished to withdraw the hearing request with prejudice.

**ORDER**

The August 17, 2018 request for a due process hearing has been withdrawn and the case is dismissed with prejudice.

**Jill Marie Messecar**  
\_\_\_\_\_  
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 4th day of February, 2019, 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 February 4, 2019 I mailed the foregoing Final Order of Dismissal in OAH Case No. 2018-ABC-01918 to the following parties.

By: First Class Mail

Parent(s) of Student  
5205 SW 19th Drive  
Portland OR 97239

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

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

Taylor David Richman, Attorney at Law  
Miller Nash Graham & Dunn LLP  
111 SW 5th Ave Ste 3400  
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