

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

IN THE MATTER OF:THE EDUCATION OF)	FINAL ORDER OF DISMISSAL
)	
)	OAH Case No. 2019-ABC-02961
F.R. AND HILLSBORO SCHOOL DISTRICT 1J)	Agency Case No. DP 19-107
)	

FINDINGS OF FACT

1. On July 16, 2019, Diane Wiscarson, attorney at law, filed a Request for Due Process Hearing Complaint with the Oregon Department of Education (ODE) on behalf of the Parents. ODE subsequently referred the request to the Office of Administrative Hearings (OAH). The OAH assigned the case to Administrative Law Judge (ALJ) Jill Marie Messecar.

2. On July 31, 2019, the OAH mailed a Notice of Prehearing Teleconference to the parties, scheduling the teleconference for August 16, 2019. Attorney Diane Wiscarson represented Parent and Attorney Rich Cohn Lee represented the District. The parties jointly moved to extend the 45 day timeline issuing the order to allow the parties to participate in mediation. Finding good cause to do so, ALJ Messecar extended the time limits. The hearing was scheduled for February 24, 2020 to March 4, 2020. A second prehearing teleconference was scheduled for October 21, 2019 at 7:00 a.m.

3. On October 21, 2019, ALJ Messecar conducted a Prehearing Teleconference. Attorney Diane Wiscarson represented the Parents and one parent was also present. No one was present for the District. Mrs. Wiscarson stated that the parties had agreed to settle the Due Process Complaint but wanted some additional time to confirm that the issues were actually resolved. The hearing scheduled for February 24, 2020 to March 4, 2020 was confirmed. A third prehearing teleconference was scheduled for December 10, 2019 at 7:00 a.m. unless the Due Process Complaint was withdrawn before that date.

6. On November 8, 2019, Attorney Diane Wiscarson emailed the OAH a request to dismiss the Due Process Complaint with prejudice as the agreements had been met.

ORDER

Parent's July 16, 2019 Due Process Complaint in the above-captioned matter 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 13th day of November, 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 November 13, 2019 I mailed the foregoing FINAL ORDER OF DISMISSAL in OAH Case No. 2019-ABC-02961 to the following parties.

By: Certified Mail

Parent(s) of Student
555 NE 58th Ave
Hillsboro OR 97124

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

Mike Scott, Superintendent
Hillsboro School District 1J
3083 NE 49th Pl
Hillsboro OR 97124

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

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