

The parents requested this hearing on behalf of their son, requesting that the Board financially support the unilateral private placement previously made by the Parent for both the 1996-97 and 1997-98 school years. A prehearing conference was held on May 5, 1998. Scheduled hearing dates of May 13, 1998, July 10, 1998, and November 18, 1998, were postponed at the request of both parties for appropriate reasons. A full day of hearing was held on October 1, 1998. The hearing was reconvened on December 1, 1998 at which time, after discussions between counsel, counsel for the Parent indicated that the Parent did not wish to continue testifying at that time, since there appeared to be a possibility of settlement. The parties agreed to reconvening on February 1 and 18, 1999, in necessary. On December 7, 1998, the Hearing Officer sent out a "Notice of Scheduled Hearing Dates" to that effect, which specifically asked the parties to notify the Hearing Officer as soon as possible as to whether resolution was achieved or whether she should continue to hold those dates.

On January 29, 1999, one business day before the scheduled hearing, counsel for the Parent sent via facsimile a letter dated January 28, to counsel for the Board and the Hearing Officer, stating that "there had been a major change in circumstances involving the student", who would no longer be attending the private school and would be enrolling in the Board's school. He also purported to withdraw the request for a due process hearing "without prejudice". This communication was not read by the Hearing Officer until towards the end of the day. The Board vehemently objected to the case being withdrawn, and asked that it be dismissed with prejudice. The Parent did not agree with the Board's request, but recognized that the Hearing Officer does have authority to grant such a request.

The Hearing Officer agrees with the Board that it is entitled to finality in this matter. Board counsel and other personnel have devoted considerable time and resources to preparing for and being available for a hearing on three separate occasions. The fact that the student recently had been expelled from the private school and was returning to the Board's program may be relevant but is not dispositive of the issues concerning reimbursement for the two previous school years. The Hearing Officer also notes that the last-minute notification of the request for withdrawal to the Board and to her caused considerable inconvenience and prevented the Hearing Officer from being available to other parties in other cases on that date.

FINAL DECISION AND ORDER:

The case is therefore **dismissed with prejudice.**