

ISSUE:

1. Is the out-of district therapeutic day placement proposed by the Board at the May 14, 1999, Planning and Placement Team (PPT) meeting appropriate to Student's needs?

PROCEDURAL SUMMARY:

The Board requested an expedited hearing by letter dated May 17, 1999. The pre-hearing telephone conference was held on May 24, 1999, and the dates of June 3 and 8, 1999, were set for the hearing.

The Board's representative wrote on behalf of both parties, on June 2, 1999, to ask that the June 3, 1999, hearing session be continued to June 8, 1999, because the parties were engaged in settlement negotiations. The Hearing Officer granted the continuance.

By letter dated June 7, 1999, the Board's representative requested continuance of the June 8, 1999, hearing session. The Board's representative reported that the parties were "close to resolving this matter" and that a proposed settlement was being finalized. The Hearing Officer granted another continuance, and set the matter down for hearing on June 30, 1999, pursuant to the requirements of the consent decree in *Barbara R.*

The parties did not appear on June 30, 1999. When the Hearing Officer spoke with the Board's attorney by telephone, he stated that he was not aware that another hearing session had been scheduled, and that negotiations were continuing. The Hearing Officer informed him that when a continuance is granted, hearing officers are required to set another date, which is provided on the form concerning granting of the continuance.

FINAL DECISION AND ORDER:

Because of the Board's failure to prosecute in the expedited hearing it had requested, this matter is **DISMISSED WITHOUT PREJUDICE**.