

STATE BOARD OF EDUCATION

STATE OF GEORGIA

In re: M.O.J. : CASE NO. 1978-15
: :
: :

O R D E R

THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

DETERMINES AND ORDERS, that the Findings of Fact and Conclusions of Law of the Hearing Officer are made the Findings of Fact and Conclusions of Law of the State Board of Education and by reference are incorporated herein, and

DETERMINES AND ORDERS, that the decision herein appealed from, be, and it is hereby affirmed.

This 12th day of June, 1978.



THOMAS K. VANN, JR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

In re: M.O.J. : REPORT OF
Case No. 1978-15 : HEARING OFFICER

PART I

SUMMARY OF APPEAL

On March 14, 1978, a hearing was held by a local hearing review officer at the request of the parent of M.O.J. The purpose of the hearing was to review the placement of M.O.J. that had been recommended by the local placement committee. The hearing review officer decided that the recommendation of the placement committee that the student be placed in a trainable mentally retarded program should be followed. The parent of the student appealed to the State Board of Education, but did not set forth any basis for the appeal.

PART II

FINDINGS OF FACT

On January 5, 1977, a special education placement committee met and recommended placement of M.O.J. in a

trainable mentally retarded program. There was no space in the program at that time and the committee suggested that the student be placed in the educable mentally retarded program on an interim basis. The parent agreed with the interim placement and signed the parental consent for such placement.

On January 5, 1978, the special education coordinator referred the student for evaluation because the student was not able to function in the educable mentally retarded program. The parent agreed to the evaluation. Additional evaluations were made, and on March 2, 1978 the special education placement committee again recommended that the student be placed in the trainable mentally retarded program. The parent disagreed with this placement recommendation and requested a hearing.

The hearing was held before a person who was not an employee of the local educational agency and who did not have any involvement in the educational processes of the student. The parent was notified that she had a right to complete access to all of the records of the student prior to the hearing; that she could present evidence and confront and cross-examine witnesses; that she had the right to exclude any evidence that was not known about five days before the hearing, and that she had the right to bring any representative, including legal counsel, to the hearing.

Copies of the Georgia Special Education Rules and Regulations and Public Law 94-142 were given to the parent prior to the hearing.

The hearing officer rendered his report on March 29, 1978. This was within forty-five days after the parent requested the hearing. The decision of the hearing officer contained written findings of fact, conclusions, and the decision that the student be placed in a trainable mentally retarded program.

The parent appealed the decision to the State Board of Education in April, 1978 in a letter to the superintendent in which she stated, "I am still not satisfied with this decision [sic]. . ." The appeal was forwarded to the State Board of Education on May 15, 1978 and received on May 16, 1978. A written decision must be given to the parties no later than June 15, 1978.

PART III

CONCLUSIONS OF LAW

The entire hearing record, including the evaluations submitted into evidence, the electronic recording of the hearing, and the report of the hearing officer have been reviewed. All of the procedures at the hearing were consis-

tent with the requirements of due process set forth in the federal regulations (42 Federal Register 42495, Aug. 23, 1977) and the Georgia Special Education Rules and Regulations. There does not appear to be any need to receive any additional evidence. The Hearing Officer also did not deem it necessary to receive oral or written arguments from the parties.

PART IV

RECOMMENDATION

Based upon the above findings and conclusions, the report of the local hearing officer, and a review of the record of the hearing, the Hearing Officer recommends that the placement of the student M.O.J. in a trainable mentally retarded program be affirmed.

L. O. Buckland

L. O. BUCKLAND
Hearing Officer