

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: JOSEPH G.

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:

CASE NO. 1979-31

O R D E R

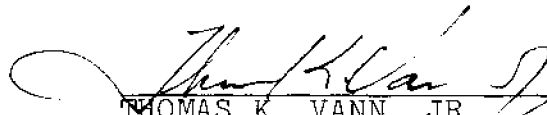
THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

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 of the Atlanta City Board of Education herein appealed from is hereby sustained.

Mrs. Oberdorfer dissented.

This 10th day of January, 1980.

  
THOMAS K. VANN, JR.  
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: JOSEPH G.	:	CASE NO. 1979-31
	:	
	:	REPORT OF
	:	HEARING OFFICER

PART I

SUMMARY OF APPEAL

This is an appeal from a decision by the Atlanta Board of Education (hereinafter "Local Board") not to accept the recommendation of the regional hearing officer concerning the payment of expenses incurred beyond 180 days because of the attendance of Joseph G. (hereinafter "Student") in an eleven-month private residential program. This is the second appeal to the State board of Education concerning the student. See IN RE: J. E. B. G., CASE NO. 1979-5. The Hearing Office recommends that the decision of the Local Board be upheld.

PART II

FINDINGS OF FACT

A hearing was held before the regional hearing officer on September 27, 1979. The regional hearing officer issued her report on October 3, 1979. The Local

Board rejected the recommendation of the regional hearing officer at its November 13, 1979 meeting.

The regional hearing officer found that the student requires residential services and that the school system does not offer any facilities to serve the student's educational needs. The regional hearing officer also found that the student has made good academic and emotional progress in the residential facility. It was the recommendation of the regional hearing officer that the student be continued in the private residential school for the school's eleven-month program without cost to the parent.

At the beginning of the hearing, the parties stipulated that the student was originally placed in the private residential program in 1972. The Local Board agreed to the parent's request for placement in the residential program when Public Law 94-142 became applicable and agreed to pay for 180 days of schooling. The private school operates an eleven-month program and the Student is enrolled in the eleven-month program. The parties also stipulated that the Student requires residential placement.

There was no evidence presented which showed that the Local School System proposed any changes between the 1978-79 educational placement and the 1979-1980 placement.

PART III  
CONCLUSIONS OF LAW

The issue raised by the parent in this case is whether the Local Board will pay for the entire eleven-month residential program, or for only 180 days of educational expenses. This is the same issue that was contained in the first appeal to the State Board of Education concerning the Student. In Re: J. E. B. G., Case No. 1979-5.

The Local Board concedes that it will pay for 180 days of educational expenses, but has decided that it cannot pay for any additional costs. The Student's parent contends, and the regional hearing officer so held, that the Local Board should pay the entire cost of the private residential treatment for eleven months.

The State Board of Education has decided that local boards of education are not required to pay for more than 180 days of educational placement. In Re: R.C., Case No. 1978-25; In Re: J. E. B. G., Case No. 1979-5. There are not any relevant facts contained in the present case which differentiates it from the previous appearance before the State Board of Education. The Hearing Officer, therefore, concludes that the previous decisions of the State Board of Education are applicable and controlling in the present case.

PART IV

RECOMMENDATION

Based upon the foregoing findings and conclusions, and the record submitted, the Hearing Officer is of the opinion that the Local Board is required to pay to for only 180-days of educaional expenses for the student. The Hearing Officer, therefore, recommends that the decision of the Atlanta Board of Education be sustained.

  
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L. O. BUCKLAND  
Hearing Officer