

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: BETSY G.

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CASE NO. 1979-32

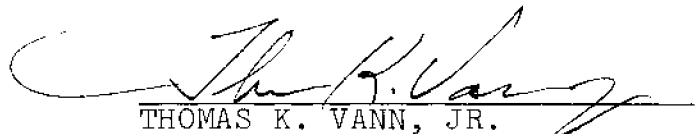
O R D E R

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.

This 10th day of January, 1980.


THOMAS K. VANN, JR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: BETSY G.	:	CASE NO. 1979-32
	:	
	:	REPORT OF
	:	HEARING OFFICER

PART I

SUMMARY OF APPEAL

This is an appeal by the parent of Betsy G. (hereinafter "Student") from a decision by the Board of Education of the City of Atlanta (hereinafter "Local Board") to accept and approve the report and recommendations of the regional hearing officer that the Atlanta Public Schools (hereinafter "Local School System") could provide a free, appropriate public education for the Student. The Hearing Officer recommends that the decision of the Local Board be upheld.

PART II

FINDINGS OF FACT

An individual education program ("IEP") was prepared for the Student on May 31, 1979. The Student's mother disagreed with the proposed IEP because it provided for a transfer of the Student from a private residential

facility which operated on an eleven-month basis to a program in the public school system which operated only nine months. A hearing was held before a regional hearing officer on October 9, 1979 and November 12, 1979. The regional hearing officer entered her report and recommendation on November 21, 1979. The Local Board accepted and approved the regional hearing officer's report on December 4, 1979 and an appeal was made by the Student's mother to the State Board of Education on December 11, 1979.

The Student, who is eleven years old, is enrolled in the day program of a private school which operates for eleven months of the year. She has been enrolled in the private school for the past five years. The Local School System recommended placement in a self-contained behavioral disorders program in the public schools for the 1979-1980 school year. The Student's parent objected to the placement on the grounds that the Student would regress because of the change in environment and because the public school system operates for only 180 days of the year.

The regional hearing officer found that the Student has the ability to recover from breaks in her educational training and changes in environment if she is provided with supervision and structure. The regional hearing officer also found that the learning environment

in the residential program and in the public school program are essentially the same. The Student's parent and the Local School System agreed on the curriculum needs of the Student. Based upon her findings, the regional hearing officer decided that the Student can be appropriately served in the public school system.

PART III

CONCLUSIONS OF LAW

A review of the record does not indicate any error on the part of the regional hearing officer in arriving at her decisions. There is evidence in the record to support her findings that the Student is able to recover from any breaks in her educational training and changes in her environment. The expert witness who appeared on behalf of the Student testified that the degree of regression was speculative and did not know how long it would take the Student to recover from any regression. The State Board of Education has adopted the rule that it will not disturb a decision on review if there is any evidence to support the findings of the trier of fact. Antone v. Greene County Bd. of Ed., Case No. 1976-11.

It is clear from the record that the parties agree that the educational program proposed by the Local

School System at the public school is adequate and appropriate except for the parent's contention that the program should last for more than 180 days. The Local School System, therefore, does stand ready to provide a free and appropriate public education up to 180 days. In addition to the regional hearing officer's finding that a program in excess of 180 days was not necessary, it has previously been determined by the State Board of Education that a local school system cannot provide more than 180 days of educational training. In Re: R.C., Case No. 1978-25. The Hearing Officer, therefore, concludes that the regional hearing officer properly decided that the Student did not need more than 180 days of education training and the Local School System could provide a free and appropriate public education.

PART IV

RECOMMENDATION

Based upon the foregoing findings and conclusions, and the record submitted, the Hearing Officer is of the opinion that the regional hearing officer properly decided that the Local School System could provide a free and appropriate public education. The Hearing Officer, therefore, recommends that the decision of the

Board of Education of the City of Atlanta to upheld the recommendation of the regional hearing officer be sustained.

L. O. Buckland

L. O. BUCKLAND
Hearing Officer