

April 30, 1982, and the Richmond County Board of Education concurred with the regional hearing officer's report on May 13, 1982. The appeal to the State Board of Education was made on May 25, 1982.

The Student, who is now 13 years of age, will be entering the eighth grade during the Fall of 1982. He has been receiving special education services since the fourth grade when he began receiving behavior disorder resource for one hour per day. When the Student entered the seventh grade, his mother requested that he be removed from the special education program and placed in a regular class on a full-time basis. The Local System agreed to make the change. In November, 1981, the Local System requested another evaluation of the Student because he was exhibiting behavior problems in the classrooms.

On January 18, 1982, the special education committee met to discuss and prepare the Student's individualized educational program. The committee recommended that the Student receive behavioral disorder resource for one hour per day, occupational therapy for one session per month, and that the Student and his family receive psychological counseling. The Student's mother disagreed on the grounds the Student should be placed in a learning disabilities class rather than the behavioral disorder resource program.

The regional hearing officer found that the evidence overwhelmingly supported the conclusion that the placement recommended by the Local System would provide the Student with an adequate educational program. She found that the evidence submitted established that the Student was suffering from significant emotional problems and that the emotional problems did not arise because the Student had a fine motor dysfunction. The Student's mother contended that the Student's fine motor problem caused poor handwriting which in turn caused him to be frustrated, and that the behavioral problems were simply the venting of his frustration. The regional hearing officer found that there was no evidence to indicate that the fine motor problems caused or contributed to the behavioral disorders.

A thorough review of the testimony and the evidence presented does not indicate that the regional hearing officer overlooked any significant matters in arriving at her decision. Except for the testimony of the Student's mother, all of the evidence submitted by both the Student's mother and the Local System shows that the Student is suffering from an emotional problem which makes him eligible for the behavioral disorders program. There was no evidence that the Student has a learning disability. The Student does have a fine motor coordination problem, but it is not of a severe nature and the independent psychologist employed by the Student's mother reported that


it was unlikely that the problem would be a reason for any academic difficulties. The psychologist also reported that the difficulties in school were emotional, and he recommended psychological counseling for both the Student and his family. The Hearing Officer, therefore, concludes that there was substantial evidence in support of the regional hearing officer's decision, and that the regional hearing officer did not overlook any of the material facts presented.

Based upon the foregoing, the Hearing Officer is of the opinion that the record submitted fully supports the decision of the regional hearing officer and that the recommended placement will provide the Student with an appropriate public education. It is, therefore,

DECIDED, that the decision of the regional hearing officer is hereby affirmed.

This 13th day of July, 1982.

(Appearances: For Student - Laronce Beard; For Local System - Leonard O. Fletcher, Jr.)


L. O. BUCKLAND
State Hearing Officer