

STATE BOARD OF EDUCATION

STATE OF GEORGIA

DEC 22 1982

IN RE: SEAN R.

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CASE NO. 1982-24

DECISION OF HEARING OFFICER

This is an appeal by the Bibb County School System (hereinafter "Local System") from a decision of a regional hearing officer concerning the special education placement of Sean R. (hereinafter "Student"). The regional hearing officer decided the Student would receive an adequate educational program if he obtained itinerate teacher services three times per week. The Local System has appealed on the grounds the evidence presented at the hearing shows that the Student requires a resource teacher for at least five hours per week. The Hearing Officer sustains the decision of the regional hearing officer.

The Student is 14 years of age and in the eighth grade. He has a moderately severe hearing loss, but when he is wearing a hearing aid, his hearing loss is classified as mild. During the sixth and seventh grade, the Student received resource assistance every day. He made significant gains during the seventh grade, but his skills did not reach grade level.

Early in his schooling, the Student had been in a self-contained classroom, but his progress each year permitted lessening the amount of support required. During March, 1982, near the end of the Student's seventh grade, a placement committee met to prepare the Student's individualized educational program for the 1982 - 1983 school year. The Committee decided the Student no longer needed the speech therapy or visual therapy he had been getting while in the resource classroom. The committee, however, decided the Student should continue to receive resource assistance for one hour per day. This meant that the Student would be required to attend Central High School, the only school that had a resource program for hearing impaired students in the middle school.

The Student's parents disagreed with the placement recommended for him. The principal reason for the parents' disagreement was the fact the Student would be assigned to a high school that was further from his home and outside his attendance zone. The Student expressed a desire to go to the school to which he would have been assigned if he was not handicapped. The Student had played eighth grade football for his neighborhood high school while he was in the seventh grade.

The regional hearing officer decided the Local System had not proved that the Student needed to be assigned to a resource program and it appeared the Student could receive

an adequate education if he attended an itinerate class for the hearing impaired at least three hours per week. The regional hearing officer considered the fact that the Student and the parents would not have any transportation problems if the Student went to his neighborhood school because he would be able to stay with his grandmother, who lived across the street from the high school, until his mother finished work. If he attended the Central High School, he would not be able to participate in any extra curricular activities because of the need to catch the bus after school.

The Local System argues on appeal that all of the competent evidence pointed to a need for the Student to attend the resource program and receive daily assistance. The only reasons put forth by the Student's parents for not going into the resource program were because the Student could not participate in extra curricular activities and he would not be attending his neighborhood school. Additionally, the Student had stated that if he had to go into the resource program, he would quit doing any school work. All of the teachers who had worked with the Student, however, testified that the Student required daily assistance in order to academically achieve.

There was, however, considerable evidence presented which supports the decision of the regional hearing officer. While he was in the seventh grade, the Student received five hours

per week of resource assistance, but during this time he was receiving speech therapy and reading lessons so that the total time spent on assisting him with academic achievement amounted to less than three hours per week. The Student, nevertheless, was able to make substantial progress with this amount of academic achievement assistance. There was also evidence that the Student's self-esteem and desire were important factors to be considered in his ability to progress. Additionally, assignment to his neighborhood school permitted him to participate in extra curricular activities without having any problems with transportation. The Student had been receiving less special education service each year and was making progress, but the program recommended by the Local System represented an increase in the amount of assistance he would be obtaining in that he would go from two and one-half hours per week of academic assistance to five hours per week of assistance. There was no dispute that if the Student could receive an adequate education with the services of an itinerate teacher that the itinerate program was a less restrictive program than the resource program because the Student would be attending school close to home in the school to which he would have been assigned if he were not handicapped and he would not be spending as much time in the special education program.

Based upon the foregoing factors, the Hearing Office is of the opinion there was substantial competent evidence included in the record which permitted the regional hearing officer to reach her decision that an itinerate program would provide the Student with an adequate educational program. The Hearing Officer, therefore, sustains the decision of the regional hearing officer.

L. O. Buckland

L. O. BUCKLAND
State Hearing Officer