

STATE BOARD OF EDUCATION

1983

STATE OF GEORGIA

IN RE: GAMALIEL J. : CASE NO. 1982-26  
: :  
: :  
: REPORT OF  
: HEARING OFFICER

PART I

SUMMARY OF APPEAL

This is an appeal by the parent of Gamaliel J. (hereinafter the "Student") from a decision by a Regional Hearing Officer concerning the special education placement of the Student. The Regional Hearing Officer decided that the Bibb County School System's (hereinafter "Local System") recommended placement in a class for the educably mentally retarded ("EMR") was appropriate. The Student's parent appealed to the State Board of Education, but did not set forth any grounds for the appeal, other than that the decision was incorrect. The State Hearing Officer sustains the decision of the Regional Hearing Officer.

PART II

FINDINGS OF FACT AND CONCLUSIONS

The Student, who is presently 12 years old, has been enrolled in the Local System since the first grade. He was identified as being a handicapped student in 1978 and, since then, has been in a self-contained EMR program. During the 1980-1981 school year, the Student's mother complained to the

Local System that the Student was not required to do any homework. The Student's teacher began sending books home with the Student and the Student's mother agreed with the placement during the remainder of the year and for the subsequent year. In May, 1982, a placement committee meeting was held to consider the Student's placement for the 1982-1983 school year. The placement committee again recommended that the Student be placed in a self-contained EMR program. The Student's mother protested because she wanted him placed into a regular classroom situation. A Hearing before a Regional Hearing Officer was held on October 7, 1982. The Regional Hearing Officer issued her report on November 1, 1982, and an appeal was made to the State Department of Education on November 29, 1982.

The Regional Hearing Officer found that the self-contained EMR program recommended by the Local System was an appropriate program for the Student. The Regional Hearing Officer also found that the Student's individualized educational program had been appropriately developed. During the hearing, there was testimony presented that the Student is functioning at a second grade level and would be unable to function in a regular sixth or seventh grade classroom. There was also testimony that the Student would be unable to function in a regular second grade classroom because of his need for one-on-one individualized instruction due to his inability to grasp written instructions.

The only evidence presented in support of moving the Student into a regular sixth or seventh grade classroom was the testimony of the Student's mother that she felt he should be in a regular classroom because he was not making any progress in the EMR program and did not bring home any homework. There was, however, evidence that the Student has been making progress while in the EMR program.

It is clear from the evidence presented that the Student would be unable to function in a regular classroom situation. He requires individualized instructions which would not be available in the regular classroom. In addition, his learning rate would not permit him to maintain the pace of the other students in a regular classroom. The Hearing Officer, therefore, concludes that there was sufficient evidence contained in the record to sustain the decision of the Regional Hearing Officer. The decision of the Regional Hearing Officer is, therefore,

AFFIRMED.

  
\_\_\_\_\_  
L. O. BUCKLAND  
State Hearing Officer