

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>TERRY C.,</b>	)	
	)	
<b>Appellant,</b>	)	
	)	<b>CASE NO. SBE 1986-32</b>
	)	
<b>v.</b>	)	
<b>CRAWFORD COUNTY</b>	)	<b>DECISION OF</b>
<b>BOARD OF EDUCATION,</b>	)	<b>STATE HEARING OFFICER</b>

**Appellee.**

**PART I**

**SUMMARY**

This is an appeal by the parents of Terry C. (hereinafter "Student") from the decision of a Regional Hearing Officer that the proposed placement of the Student by the Crawford County Board of Education (hereinafter "Local Board") would provide a free, appropriate, public education to the Student in the least restrictive environment. The parents appealed on the grounds the decision (1) was contrary to P.L. 94-142, and (2) violated due process requirements, and the placement (1) was not in the least restrictive environment and (2) did not present an opportunity for mainstreaming. The State Hearing Officer affirms the decision of the Regional Hearing Officer.

**PART II**

**FACTUAL BACKGROUND**

During the 1985-86 school year, the Student was in the ninth grade. She had begun receiving special education services in the sixth grade because of behavioral problems. The Regional Hearing Officer found that the evidence was undisputed that the Student was behavior

disordered with a “consistent history” of “aggression, impulsiveness, and poor inner controls, all of which are manifested in recurrent flare-ups, temper tantrums and other expressions of rage directed at peers and educational staff.” The student was moved from a partial-day program to a full-day program in a psycho-educational center. She progressed in the program to the point where it was “recommended that she participate in regular classes for the entire day at the Crawford County High School” while in the ninth grade. While in the regular education classes, her behavior was to be monitored by the psycho-educational therapist.

Upon entering the ninth grade in the regular educational program, the Student began encountering difficulties. Her grades declined, and she was dropped from the cheerleading squad because of her grades. As a result of the problems, and upon the Student’s request, a new IEP was prepared and agreed to in November, 1985. The TEP provided that the Student was to receive two hours per day of psycho-educational programming within the high school. Nevertheless, the Student suffered a strong emotional outburst in January, 1986. A placement committee met on January 27, 1986, and recommended that the Student be placed in the psycho-educational adolescent center as a full-time student. In the meanwhile, however, the Student quit attending school on the day following the outburst and the placement was never made.

Another placement committee meeting was convened on May 6, 1986 with the Student’s parent and an attorney in attendance. The committee again recommended a full-time program in the psycho-educational adolescent center, but the parent disagreed because she wanted the Student to receive classes at home since it was inconvenient to drive the Student from the psycho-educational center to a mental health center where she was having the Student treated twice a month.

At the hearing before the Regional Hearing Officer, the Student’s parent argued that the Student should be placed in the regular high school program with psycho-educational services

provided during the day. She also argued that the psycho-educational center was a more restrictive environment than the regular high school program.

The Regional Hearing Officer found that the psycho-educational center was a more restrictive environment than the regular high school, but the Student needed the more restrictive environment of the center in order to obtain any educational benefits. The Student had made significant progress while in the psycho-educational center but was unable to make any progress while in the regular high school program, even when she was receiving additional services. She required the positive atmosphere of the center and was unable to cope with the regular high school environment. The Regional Hearing Officer decided that the program proposed by the Local Board was a free, appropriate, educational program in the least restrictive environment. This appeal followed.

### **PART III**

#### **DISCUSSION**

The parent filed an appeal which simply stated that the Regional Hearing Officer's decision was contrary to P.L. 94-142, violated due process, and the placement was not in the least restrictive environment since it did not permit mainstreaming. The parent did not point out any errors made by the Regional Hearing Officer or any legal errors in the decision.

The decision of a regional hearing officer will be upheld on appeal if there is substantial evidence supporting the decision. State Board Policy JQAA, June, 1984; Georgia Special Education State Program Plan FY 84-86,, pg. 51. In the instant case, the Regional Hearing Officer has provided a well-reasoned and well-supported decision which shows clearly that the Student will receive a free, appropriate, public education in the program proposed by the Local

Board. Neither the decision nor the record indicate that the decision is contrary to P.L. 94-142. There is also no indication that the decision violates due process in any manner.

It is clear from the record that the Student is unable to cope in the regular high school environment, she requires close, supportive attention, psychological and psychiatric services, and lower level instruction which would permit her to enjoy success.

The goals established in the Student's TEP were not challenged and can be met in the psycho-educational adolescent center, but they cannot be met in either the regular high school program or by having the Student receive instruction at home.

#### **PART IV**

#### **DECISION**

Based upon the foregoing and the record presented, the State Hearing Officer concludes that there is substantial evidence supporting the decision of the Regional Hearing Officer and that the Student will receive a free, appropriate public education in the program proposed by the Crawford County Board of Education. The decision of the Regional Hearing Officer, therefore, as

**AFFIRMED.**

This 25th day of August, 1986.

**L. O. BUCKLAND**  
State Hearing Officer