

STATE BOARD OF EDUCATION

STATE OF GEORGIA

A.M.H. (minor),	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 1977-S-1
	:	
WAYNE COUNTY BOARD OF	:	
EDUCATION,	:	
	:	
Appellee.	:	


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 decision herein of the Wayne County Board of Education to place the Appellant, a minor, in the trainable mentally retarded program, be, and is hereby, affirmed.

Mr. Hendricks withdrew from consideration of the matter and Mr. Stembridge abstained.

This 8th day of December, 1977.


THOMAS K. VANN, JR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

A.M.H. (minor),	:	CASE NO. 1977-S-1
	:	
Appellant,	:	
	:	
vs.	:	
	:	
WAYNE COUNTY BOARD OF	:	REPORT OF
EDUCATION,	:	HEARING OFFICER
	:	
Appellee.	:	

PART I

SUMMARY OF APPEAL

This is an appeal from a decision of the Wayne County Board of Education (hereinafter "Local Board"), to place Appellant (a minor) in a trainable mentally retarded program. The appeal was made pursuant to the Amended Annual Program Plan¹ of the Georgia Department of Education and the Local Board was acting as the Local Hearing Review Board provided for in the Plan.

The appeal was made by the child's parent. The parent did not set forth any grounds for appeal, nor did the parent either submit a brief or make an oral argument.

¹Amended Annual Program Plan for Fiscal Year 1978 Under Part B, Education of the Handicapped Act, as amended by Public Law 93-380 and Public Law 94-142.

A review of the record fails to disclose any basis for reversing the Local Board.

PART II

FINDINGS OF FACT

During the spring and summer of 1977, Appellant was psychologically tested upon the request of the parents and the local school system. A Special Education Placement Committee was convened on August 19, 1977, with the child's parent present, to consider the child's placement. The Special Education Placement Committee reconvened on August 26, 1977, to receive additional evidence submitted by the parent. The Committee recommended that the child be placed in the Trainable Mentally Retarded Program.

The parent appealed this decision to the Local Board on August 30, 1977. The Local Board sat on September 19, 1977 as the Local Hearing Review Board and received evidence from the parent and the Superintendent.

Appellant, who was fourteen years old at the time of testing, was found to have an I.Q. of 40-55. The evidence submitted supported this finding. The evidence showed that Appellant was reading at a fifth grade level

and performing arithmetic at a first grade level. Testimony presented established that the child has a short attention span, is disruptive in the classroom, and is generally unable to function in the educable mentally retarded program classroom.

The Local Board permitted the parent, who was not represented by counsel, considerable leeway during the hearing in questioning witnesses and commenting on the evidence submitted. There was no evidence in the record to indicate that Appellant was deprived of any rights to due process.

PART III

CONCLUSIONS OF LAW

The Local Board did not deny Appellant or the parent any procedural due process rights. The Local Board had the power and authority to determine Appellant's placement under the provisions of the Annual Program Plan. The evidence contained in the record supports the decision made by the Local Board.

PART IV

RECOMMENDATION

Based upon the record submitted, the Hearing Officer concludes that the Wayne County Board of Education granted Appellant, and the parent, the necessary safeguards to assure proper placement. The Hearing Officer, therefore, recommends that the decision of the Wayne County Board of Education be affirmed.

L. O. Buckland
L. O. BUCKLAND
Hearing Officer