

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: MARY P.

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:

CASE NO. 1980-7

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 Findings of Fact and Conclusions of Law of the Hearing Officer are made the Findings of Fact and Conclusions of Law of the State Board of Education and by reference are incorporated herein, and

DETERMINES AND ORDERS, that the decision of the Carroll County Board of Education herein appealed from is hereby affirmed.

Messrs. McClung and Foster were not present.

This 8th day of May, 1980.


THOMAS K. VANN, JR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION
STATE OF GEORGIA

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| | : | REPORT OF |
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| | : | HEARING OFFICER |

PART I

SUMMARY OF APPEAL

In this special education appeal, the parents of Mary P. (hereinafter respectively referred to as "Appellants" and "Student"), have appealed a decision by the Carroll County Board of Education (hereinafter "Local Board") that the Carroll County school system (hereinafter "Local System") could provide a free appropriate public education for the Student. The decision by the Local Board followed the findings and recommendation of a regional hearing officer. The appeal contends that the evidence does not support the decision made by the regional hearing officer and the Local Board. The Hearing Officer recommends that the decision of the Local Board be sustained.

PART II
FINDINGS OF FACT

The Student, who is now 15 years of age, was enrolled in private residential programs until March, 1979. At that time, the parents enrolled the Student in the Local System, where she was placed in the regular high school with a limited special education program. Two months later, the Local System decided the Student needed more structure. She was tested during the summer months and another placement committee meeting was held on September 26, 1979. The placement committee recommended that the Student be placed in a psycho education center operated by the Local System. The parents agreed to the placement and signed the parental consent for placement. On September 28, 1979, the parents notified the Local System that they were placing the Student back into the private residential program she was enrolled in prior to coming to the Local System. Appellants notified the Local System on November 19, 1979 that they wanted financial assistance for the private residential program in which the Student was enrolled. In a meeting with Appellants on November 20, 1979, the Local System told the Appellants that an appropriate program was available within the Local System and they would be unable to assist Appellants with any financial aid. Appellants then made a request

on December 7, 1979 for a hearing on whether an appropriate placement existed within the Local System. A hearing was held before a regional hearing officer on January 16, 1980. The regional hearing officer issued her report 10 days later and on February 12, 1980, the Local Board adopted the findings and recommendations of the regional hearing officer that the Local System had an appropriate educational placement available for the Student. Appellants filed their appeal to the State Board of Education on March 10, 1980. Additional evidence was received by the Hearing Officer on April 18, 1980 pursuant to a request by counsel for Appellants that additional evidence be presented and waiver by counsel for presentment at the April, 1980 meeting of the State Board of Education.

The regional hearing officer found that the Student was emotionally disturbed with a possible learning disability associated with childhood schizophrenia. The regional hearing officer also found that the placement within the regular school system with limited special education programs was not appropriate and that the Student did not progress during her attendance at the regular high school period. Appellants voluntarily placed the Student in the private residential program after accepting the special education placement recommended by the Local System. Based upon the testimony and documents presented, the regional

hearing officer found that the educational placement offered by the Local System for the Student was appropriate as a temporary placement.

The record shows that the program offered by the Local System provided for a student teacher ratio of 4 to 1. In addition, the program offered 2 aides, a psychologist, a consulting psychiatrist, a social worker, and weekly family counseling. The program was one of highly structured individualized teaching. Witnesses on behalf of Appellants and the Student testified that the educational program provided by the Local System was not unlike the educational program offered within the private residential facility. Both parties agreed that the Student required a highly structured program where her activities could be constantly monitored and her interaction with other students limited.

PART III

CONCLUSIONS OF LAW

Appellants have objected to the report of the regional hearing officer on the grounds the regional hearing officer gave insufficient weight to the reports of the psychologists and psychiatrists who had tested the Student. In addition, Appellants maintained that the primary witness for the Local System had not seen the Student and could not, therefore, provide an ade-

quate evaluation. Appellants also contend that a 24-hour residential program is necessary in order to remove the Student from the home environment. The Local System, however, maintains that the program offered for the Student was appropriate and provided for the least restrictive environment.

The documents and testimony by Appellants and the Local System were in conflict regarding whether the Student required a residential program. Appellants maintain the regional hearing officer did not take the testimony presented by the witnesses on their behalf into consideration. It is, however, evident from the regional hearing officer's report that she did take into consideration the testimony and documents presented by both parties. The State Board of Education follows the rule that if there is any evidence to support the finder of fact, then those findings will not be disturbed upon review. Antone v. Greene County Board of Education, Case no. 1976-11. The Hearing Officer, therefore, concludes that there was evidence available to support the finding by the regional hearing officer.

In addition to the question of whether the Student required residential care, it appears from the record that the Local System could provide the Student with an adequate educational program. The primary problems of the Student arose because of difficulties within the home. The evidence submitted by Appellants

and the Local System shows that the educational program recommended by the Local System and the educational program within the residential facility were essentially the same. Both provided for a very structured teaching environment for the Student, with access to psychologists and psychiatrists. The Hearing Officer, therefore, concludes that the Local System could provide an adequate education for the Student.

PART IV

RECOMMENDATION

Based upon the foregoing findings and conclusions, the record submitted and testimony received, the Hearing Officer is of the opinion the Local System could provide an adequate program of education for the Student. The Hearing Officer, therefore recommends that the decision of the Carroll County Board of Education be sustained.


L. O. BUCKLAND
Hearing Officer