

STATE BOARD OF EDUCATION  
STATE OF GEORGIA

IN RE: ANGELLA B.

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:  
:

CASE NO. 1980-15


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 appeal herein is hereby dismissed.

This 10th day of July, 1980.

  
THOMAS K. VANN, JR.  
Vice Chairman for Appeals

STATE BOARD OF EDUCATION  
STATE OF GEORGIA

IN RE: ANGELLA B.	:	CASE NO. 1980-15
	:	
	:	REPORT OF
	:	HEARING OFFICER

PART I

SUMMARY OF APPEAL

This is an automatic appeal arising from the rejection by the Cook County Board of Education (hereinafter "Local Board") of the recommendation of the regional hearing officer in a hearing concerning the special education placement of Angella B. (hereinafter "the Student"). The Student's parents requested a hearing before the regional hearing officer because of their disagreement with the site where trainable mentally retarded ("TMR") services were to be provided to the Student. The Regional Hearing Officer did not make any findings concerning the appropriateness of the placement, but did recommend that the Local Board institute a long range study concerning its compliance with Public Law 94-142. The Hearing Officer recommends that the appeal be dismissed because the recommended placement is appropriate, the Regional Hearing Officer did not make any

The Regional Hearing Officer did not make any determination whether the placement was appropriate. Instead, the Regional Hearing Officer recommended that the Local Board conduct a study of the needs and goals of all of the students requiring TMR services. The Regional Hearing Officer's report also seems to indicate the possibility that the Local Board was not fully complying with Public Law 94-142 and the related federal and state regulations. On May 26, 1980, the Local Board rejected the finding of the Regional Hearing Officer that they were not in compliance with all aspects of Public Law 94-142 and this automatic appeal followed. Since the Regional Hearing Officer did not recommend any change in the Student's placement, the automatic appeal does not concern the Student's placement.

### PART III

#### CONCLUSIONS OF LAW

The Student's parents did not object to the program content proposed by the Local System Placement Committee. The primary concern of the Student's parents was that she had to be bussed to and from the TMR center. In addition, the parents raised the issue of whether the separated facility housing the TMR center provided the least restrictive environment for the Student.

The recommendation by the Regional Hearing Officer did not address the issues that were raised by the Student's parents appeal from the Local System Placement Committee recommendation. Instead, the Regional Hearing Officer simply recommended that the Local Board institute a study to evaluate the needs of all TMR students within the county.

It appears from the evidence submitted at the local hearing that the placement recommended by the Local System is appropriate for the Student. The evidence shows that the shared facility can provide a full range of resources for the Student. There are contacts, although minimal, between the TMR students and the students of the regular high school program. The recommendation by the placement committee was based upon the observations and testings performed by the Local System, none of which were shown to be incorrect by the Student's parents. Alternative placements were also considered by the Committee. The parents did not introduce any evidence to show that the recommended placement was inappropriate. Similarly, there was no evidence to show that the bus ride would have any negative effects on the Student. The Local System, however, introduced evidence that the bus ride did have some positive effects for other students who had been admitted to the program. The Local System also established that the Student would not benefit from

attendance in a regular classroom and also could not continue to attend the Cook County Training Center. The Hearing Officer concludes that the recommended placement will provide the least restrictive environment for the Student.

The question of whether the Local Board is in compliance with the provisions of Public Law 94-142 was not a matter for decision or recommendation by the Regional Hearing Officer except as such compliance affected the Student's placement. Without a finding by the Regional Hearing Officer that the Student's recommended placement was inappropriate, the Regional Hearing Officer exceeded the scope of his duties by making reference in his report to any other functions of the Local Board. The Regional Hearing Officer is commissioned to determine the issues raised by a student's parents on appeal as such issues relate to the particular student, rather than to determine overall compliance with the law as might be related to other students.

#### PART IV

#### RECOMMENDATION

Based upon the foregoing findings and conclusions, and the record submitted, the Hearing Officer is of the opinion the placement recommended for the Student

was appropriate and that a decision to the contrary was not made nor required to be made by the Regional Hearing Officer. The Hearing Officer, therefore, recommends that the appeal be dismissed since no controversy exists concerning the Student's placement.

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