

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: FRANK B.

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CASE NO. 1980-18

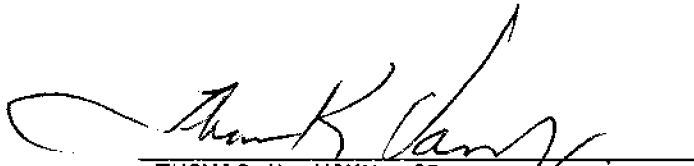
O R D E R

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 Paulding County Board of Education herein appealed from is hereby affirmed.

This 10th day of July, 1980.

  
THOMAS K. VANN, JR.  
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: FRANK B.	:	CASE NO. 1980-18
	:	
	:	REPORT OF
	:	HEARING OFFICER

PART I

SUMMARY OF APPEAL

This is an appeal by the parents of Frank B. (hereinafter "the Student") from the decision of a regional hearing officer that the Paulding County Board of Education did not have to provide a summer remedial reading program for the Student. The Hearing Officer recommends that the decision be sustained.

PART II

FINDINGS OF FACT

A hearing was held before a regional hearing officer on May 29, 1980 upon the request of the Student's parents that he receive remedial reading instruction during the summer of 1980. The Regional Hearing Officer, in a report issued June 4, 1980, concluded there was no evidence establishing a requirement for a summer remedial reading program. The Regional Hearing Officer also found

that the Student had a learning disability and would receive special education services upon entering the seventh grade in the fall of 1980.

A review of the record submitted supports the conclusion of the Regional Hearing Officer. The evidence shows that the Student was identified as having a learning disability when he entered the first grade in another county. In spite of his receiving special education services in the other county, he was required to repeat the fifth grade. During his second year in the fifth grade, the family moved to Paulding County where the Student did not receive any learning disability services until mid-year. The Student again had to repeat the fifth grade, but during the third year in the fifth grade, he did not receive any learning disability services. He also did not receive any learning disability services while he was in the sixth grade during the 1979-1980 school year. While in the sixth grade, the Student's tests indicated he was reading at a 3.5 grade level and comprehended at a 3.9 grade level.

All of the evidence presented during the hearing related to the failure of the Local School System to deliver special education services during the preceding two school years and the availability of services during the 1980-1981 school year. There was no evidence presented by either side whether a summer remedial reading program

was advisable, necessary, or would be of any benefit. The evidence of the Student's past progress and the steps taken by the Local School System does not establish the need for a summer program.

PART III  
CONCLUSIONS OF LAW

The Student's parents contend in their appeal to the State Board of Education that a summer remedial reading program is necessary in order to compensate for the denial of special education services during the past two years. They also take the position that a denial of the summer reading program condones the failure of the Local School System to provide special education services.

The position of the Student's parents, however, overlooks the fact that there was no evidence concerning a summer program. The Individualized Educational Program for the Student was to be prepared, by agreement of counsel, after the hearing before the Regional Hearing Officer. Since the Local School System would, at most, be required to provide only the services required by the Individualized Educational Program prepared for the Student, the lack of any evidence that a summer remedial reading program would be included in the Individualized Educational Program negates any requirement to provide

such a program. Also, without any evidence, it is not possible to determine on review whether a summer program would be beneficial to the Student. The Hearing Officer, therefore, concludes that the evidence failed to establish the need for, and the Local School System is not required to provide, a summer remedial reading program.

#### PART IV

#### RECOMMENDATION

Based upon the foregoing findings and conclusions and the record submitted, the Hearing Officer is of the opinion the Local School System is not required to provide a summer remedial reading program for the Student. The Hearing Officer, therefore, recommends that the decision of Paulding County Board of Education and the findings and conclusions of the Regional Hearing Officer, be sustained.

  
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L. O. BUCKLAND  
Hearing Officer