

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: JENNIFER H.

:  
:  
:

CASE NO. 1980-25

O R D E R

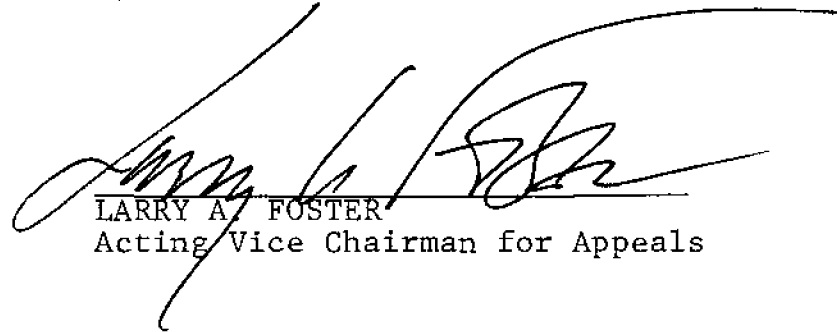
THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

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 Atlanta City Board of Education herein appealed from is hereby affirmed.

Mr. Vann and Mr. Stembridge were not present.

This 9th day of October, 1980.



LARRY A. FOSTER  
Acting Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: JENNIFER H. : CASE NO. 1980-25  
:   
: REPORT OF  
: HEARING OFFICER

PART I

SUMMARY OF APPEAL

This is an appeal by the parents of Jennifer H. (hereinafter Appellants) from a decision by the Atlanta City Board of Education (hereinafter "Local Board") to adopt the recommendation of a regional hearing officer that Jennifer (hereinafter "the Student") should be placed in the North Metro Children's Center during the 1980-1981 school year. Appellants claim that the evidence presented does not support the regional hearing officer's recommendation. The Hearing Officer recommends that the decision of the Local Board be sustained.

PART II

FINDINGS OF FACT

On April 17, 1980, a staffing committee convened by the Atlanta City Public Schools (the "Local System")

recommended placement of the Student in the South Metro Children's Center. Appellants were dissatisfied with the recommendation and on May 2, 1980, they requested a hearing before a regional hearing officer. The hearing was held on June 25, 1980 and July 15, 1980. The regional hearing officer issued her recommendation on August 4, 1980. The Local Board adopted the recommendation on August 6, 1980 and an appeal to the State Board of Education was filed on September 4, 1980.

The Student, who had completed the fifth grade at the time of the hearing, was identified as having childhood schizophrenia. At the beginning of the fifth grade, Appellants had participated with the Local System in attempting to obtain an appropriate placement for the Student. It was the decision of the staffing committee and Appellants that the Student could be served in a behavioral disorders class setting. Shortly after the placement, however, Appellants began seeking another placement when their consulting psychiatrist told them the Student was developing deeper emotional problems. Appellants also noted that the Student was withdrawing more and more during this period of time. Just prior to the April 10, 1980 staffing, Appellants removed the Student from the public school system and placed her in a private hospital setting.

The Local System agreed that the behavioral disorders class was not an appropriate placement and recommended

that the Student be placed in a psychoeducational program in the South Metro Children's Center. During the hearing, the Local System recommended placement in the North Metro Children's Center because a full day program had since been initiated and the facility was closer to Appellants' home.

The regional hearing officer found that the Student had been making some progress in the private hospital. There were also findings that the original placement was not appropriate; the Student needs a very small structured class with daily individualization; a "program suitable for the Student would be a psychoeducational type setting with a majority of adolescents that are not of the acting out category and where there would need be other females that would act as supports...", and the Student needs to "be exposed to [an] intensive treatment process in order that the thought disorder may be treated and [the Student will] be pushed around the clock to keep from withdrawing".

The record shows that the North Metro program has one teacher and an aide for eight students. A consulting psychiatrist is available for individual therapy as requested by the teacher. There is also a social worker available and the parents of students receive counselling once a month. The students also receive group therapy as a part of the program.

Appellants agreed with the regional hearing officer's findings concerning the initial placement, but they disagreed with the finding that the Student could be served in the North Metro Children's Center during the 1980-1981 school year.

### PART III

#### CONCLUSIONS OF LAW

Appellants have appealed the decision of the Local Board on the ground the evidence did not support the hearing officer's recommendation that the Student be placed in a non-residential setting. They point to the testimony that the Student requires dynamic psychotherapy and intensive group therapy, and argue that the recommended placement will not provide these forms of therapy as often as needed by the Student. Appellants also believe that it is inappropriate to place the Student with mentally retarded students because she is in the superior range of intelligence.

There was evidence before the regional hearing officer and the Local Board that the therapy services recommended for the Student will be available at the psychoeducational center. The services of a psychiatrist are available whenever requested by the Student's teachers. There was also testimony available to the regional hearing

officer that the least restrictive environment of a hospital was the least desirable placement for the Student and should be resorted to only if there was no other program available. The therapy services available at the North Metro Children's Center may not be in the same quantity as they would be available in the hospital setting, but they are available to the degree requested by the teachers and other professionals who will be working with the Student. There was testimony that group therapy should be available two or three times a week. These services can be provided at the North Metro facility with the recommended regularity.

The State Board of Education follows the rule that if there is any evidence to support the decision of the local board of education, the decision will not be disturbed upon review. In the instant case, the Hearing Officer concludes that there was evidence to support the decision of the Local Board and the recommendation of the regional hearing officer.

#### PART IV

#### RECOMMENDATION

Based upon the foregoing findings and conclusions and the record submitted, the Hearing Officer is of the opinion there was evidence to support the recommendation of

the regional hearing officer and the decision of the Local Board to place the Student in the North Metro Children's Center at the beginning of the 1980-1981 school year. The Hearing Officer, therefore, recommends that the decision of the Local Board confirming the recommendation of the regional hearing officer be affirmed.

  
\_\_\_\_\_  
L. O. BUCKLAND  
Hearing Officer