

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: JOHN P. G.

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:

CASE NO. 1980-26

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,

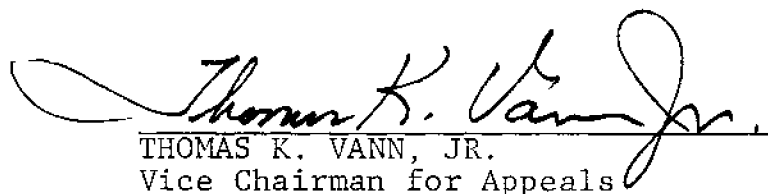
DETERMINES AND ORDERS, that the placement of a handicapped child, and the appropriateness of the program offered for the child, must be determined by reference to the individualized educational program developed for the child, and

DETERMINES AND ORDERS, that if there has been a finding that the individualized educational program is incomplete or erroneous, then a determination cannot be made whether the program developed for the child is appropriate, and

DETERMINES AND ORDERS, that the decision of the regional hearing officer herein and the DeKalb County Board of Education that an appropriate program exists is hereby reversed, but the decision of the regional hearing officer herein and the DeKalb County Board of Education that the individualized educational program is incomplete or erroneous and a new individualized educational program must be prepared is hereby sustained.

Mr. Stenbridge was not present.

This 13th day of November, 1980.


THOMAS K. VANN, JR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: JOHN G.	:	CASE NO. 1980-26
	:	
	:	REPORT OF
	:	HEARING OFFICER

PART I

SUMMARY OF APPEAL

The parents (hereinafter "Appellants") of John G. (hereinafter the "Student") appealed a decision by the DeKalb County Board of Education (hereinafter "Local Board") which adopted the recommendation of a regional hearing officer concerning the preparation of an individualized educational program ("IEP") for the Student. The appeal was based on Appellants' contention that the Student's recommended placement was inappropriate and another IEP did not have to be prepared. The Hearing Officer recommends that the decision of the Local Board be sustained.

PART II

FINDINGS OF FACT

The Student, a severely hearing-impaired boy of twelve years of age, attended the Atlanta Speech School for

nine years. He was then transferred to a self-contained classroom within the DeKalb School System (hereinafter "Local System") for the 1979-80 school year. During the entire period of time, including his one year with the Local System, the Student was taught by the "oral communication" method. His speech, for the most part, was unintelligible to the untrained ear and he continued to have difficulties with communication. A recommendation was made that the Student be enrolled in a "total communication" program in order to improve his communicating abilities.

A conference was held in June, 1980 to determine the Student's placement for the 1980-81 school year. The Local System recommended placement of the Student in the "total communication" program within a self-contained classroom located at one of its regular public schools. Appellants objected to the placement and requested a hearing because they wanted the Student placed in the Atlanta Area School for the Deaf.

A hearing was held on July 30, 1980. The regional hearing officer issued his report on August 11, 1980 and it was adopted by the Local Board on August 21, 1980. Appellants submitted their appeal to the State Board of Education on September 21, 1980.

The regional hearing officer found that the Student did have a severe hearing impairment and needs to be

in a total communication environment. He also found that the Local System had an adequate program for hearing-impaired children. The regional hearing officer, however, found that there were discrepancies in the development of the Student's IEP. He therefore recommended that a new placement committee be impaneled to assess the Student's behavioral needs and create a complete IEP for the Student.

PART III

CONCLUSIONS OF LAW

Appellants complaint on appeal to the State Board of Education is that the regional hearing officer should have made a determination regarding the Student's placement because the evidence showed that the only adequate program for the Student was in the Atlanta Area School for the Deaf. Appellants position is based on their contention that the Student's emotional, communicational, and educational growth can only occur in an environment where he is surrounded by a peer group with similar handicaps and thus avoid the frustrations associated with his inability to communicate with his peers and his feelings of being different. Additionally, they believe that he needs to have the association of older students with similar handicaps so that he can develop role models.

The evidence is conflicting whether a hearing-impaired child is best served by being placed in a school setting where there are only other hearing-impaired children or whether the hearing-impaired child should be placed in a setting where he has an opportunity to associate with normal-hearing children. While each student obviously has to be individually judged, the regional hearing officer had evidence before him that the Student was making educational and behavioral progress while enrolled in the self-contained program during the 1979-80 school year. There was also evidence that the self-contained program devised by the Local System for the hearing-impaired within the regular school setting was adequate and appropriate.

There was no evidence submitted that the program recommended by the Local System was not appropriate for the Student. Notwithstanding Appellants' desire to have the Student placed with many other hearing-impaired children, there was no evidence that placement in a classroom containing fewer hearing-impaired children was inappropriate. The Hearing Officer, therefore, concludes that the Local System could provide an appropriate placement for the Student.


The regional hearing officer was acting within the scope of his duties when he determined that the requisite procedural steps had not been followed in the preparation of the Student's IEP. There was evidence to support the

finding that some confusion existed at the placement committee meeting where the IEP was to be developed. The Hearing Officer, therefore, concludes that the regional hearing officer properly recommended that a new IEP be drafted for the Student.

PART IV

RECOMMENDATION

Based upon the foregoing findings and conclusions, the Hearing Officer is of the opinion that the regional hearing officer was acting within his power in recommending that the Local System prepare another IEP for the Student in order to deal with his behavioral problems and that there was evidence that the Local System could provide an appropriate educational program for the Student. The Hearing Officer, therefore, recommends that the decision of the DeKalb County Board of Education adopting the recommendation of the regional hearing officer be sustained.



L. O. BUCKLAND
Hearing Officer