

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: MARY C.

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CASE NO. 1980-34

O R D E R

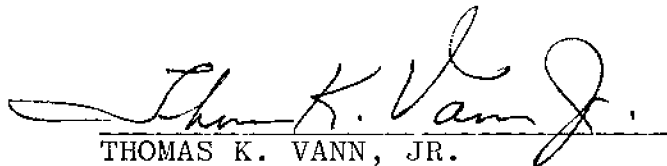
THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

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 herein appealed from is hereby affirmed.

Mr. Foster was not present.

This 11th day of December, 1980.



THOMAS K. VANN, JR.
Vice Chairman for Appeals

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: MARY C.	:	CASE NO. 1980-34
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	:	REPORT OF
	:	HEARING OFFICER

This is an appeal by the parent of Mary C. (hereinafter "the Student") from a decision by the Douglas County Board of Education which adopted the recommendation of a regional hearing officer that the Student does not require learning disability services and that the grade and school placement of the Student were decisions to be made by the local school administration. The Hearing Officer recommends that the decision of the Douglas County Board of Education and the recommendation of the regional hearing officer be upheld.

On November 10, 1980, the Student's parent appealed the October 24, 1980 decision of the regional hearing officer following a hearing held on October 17, 1980. The appeal was made on the grounds the grade placement of the Student was improper because it affected the Student's educational growth.

During the hearing, neither side was represented by counsel. The regional hearing officer found that the

Student had entered the fourth grade in September, 1979 when she was eleven years old. While in the fourth grade, the Student attended a regular classroom and received 10 hours per week at a psycho-educational center, 1 hour per week of speech training and also had behavioral disorders tracking. A placement committee met on May 13, 1980, and recommended that the Student be placed in the sixth grade with 7 hours per week of special education services. Following this recommendation, the Student was evaluated for learning disabilities services and it was determined that she did not qualify. The school administration then denied her admittance into the sixth grade and a new placement committee meeting was held on June 4, 1980. The placement committee then recommended that the Student be placed in the fifth grade with 10 hours per week of special education services, with an opportunity to advance to the sixth grade in the second quarter if sufficient progress was made.

A review of the records supports the decision of the regional hearing officer. The Student's parent did not contest the educational program prepared for the Student. The parent's only concern was with moving the Student out of one particular school because of a personal disagreement with the principal. Her secondary concern was with having the Student placed in the sixth grade. The records submitted

into evidence, however, show that the Student was physically and emotionally underdeveloped and was not academically qualified for the sixth grade.

As pointed out by the regional hearing officer, it appears that the local school system has provided all special education services needed by the Student, and the question of whether those services are to be provided at one school or another is a question to be decided by the local school administration. It also appears in the records that the Student has not academically progressed enough to permit her to skip the fifth grade and go directly to the sixth grade.

Based upon the foregoing findings and conclusions, the Hearing Officer is of the opinion that the regional hearing officer and the Douglas County Board of Education properly made a determination concerning the placement of the Student and no valid basis exists for challenging placement of the Student in a particular school or a particular grade. The Hearing Officer, therefore, recommends that the recommendation of the regional hearing officer and the decision of the Douglas County Board of Education be upheld.



L. O. BUCKLAND
Hearing Officer