

...ing officer recommends that the  
decision of the Regional Hearing Officer be sustained.

PART II

FINDINGS OF FACT

The Student, who is thirteen years old, is presently in a private residential facility where she was

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: TRACEY T.

:

CASE NO. 1981-30

O R D E R

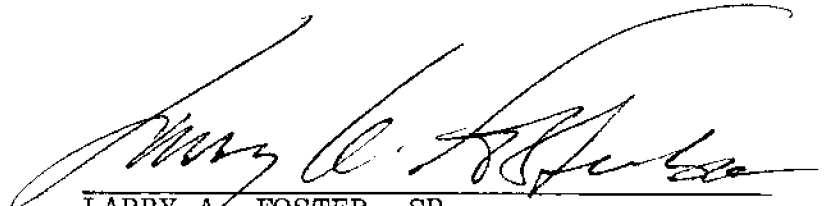
THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

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 regional hearing officer herein appealed from is hereby sustained.

Mrs. Oberdorfer and Mr. Lathem were not present.

This 12th day of November, 1981.

  
LARRY A. FOSTER, SR.  
Vice Chairman for Appeals

placed by the Local System in 1975. She has been diagnosed as suffering from childhood schizophrenia, or infantile autism. The special education placement committee recommended placement of the Student in the SED/GLD-T program within the Local System. The Student's parent objected to the recommended placement because it did not provide year-around residential treatment and requested a hearing. The hearing before the Regional Hearing Officer was held on July 30, 1981 and the decision was issued on August 10, 1981. The DeKalb County Board of Education accepted the decision on August 17, 1981. The Student's parent filed an appeal with the State Board of Education on September 15, 1981. By agreement of counsel, the time for decision by the State Board of Education was extended until November 12, 1981.

The Regional Hearing Officer found that the Student was handicapped and requires special education services. The Student has made progress while in the private residential facility to the point where the Local System can now provide the educational and related services needed. The Regional Hearing Officer also found that the evidence showed there would probably be some temporary regression when the change in placement was made, but the Local System's program provided the least restrictive environment consistent with the Student's needs

and continued institutional placement could have a long-range detrimental effect on the Student. The program to be provided by the Local System can meet the goals set forth in the Student's individualized educational program, including the structured program and necessary support personnel. The Regional Hearing Officer concluded that the Student did not require year-around residential treatment.

### PART III

#### CONCLUSIONS OF LAW

The Student's parent has appealed on the grounds the evidence does not support the decision of the Regional Hearing Officer. The parent contended during the hearing that residential placement was required in order to meet the unique needs of the Student, and that these needs required a highly-structured, 24-hour, year-around placement. The parent argues that residential placement is the least restrictive environment at this time because it is the only environment in which the Student can function.

The goals set forth in the Student's individualized educational program were not challenged during the hearing. The Local System introduced evidence concerning the recommended program and how the goals set forth in the Student's individualized program could be obtained. The Local System

showed that the Student could be provided a very structured environment with individualized teaching, that support services, in the form of speech therapy, physical education therapy, transportation, and parent counselling, were available, and that psychological and psychiatric services were also available. The Hearing Officer concludes that there was evidence available to the Regional Hearing Officer which supports his conclusion that the Local System can provide an adequate educational program for the Student.

There was no evidence presented at the hearing which indicated that the recommended program could not meet the needs of the Student, and the only attack was on the fact that the recommended program did not include residential treatment on a 24-hour, 12-month basis. The Student has been in a residential program for 6 years. During this period of time she has made progress. The psychologist who testified on behalf of the Local System expressed concern that continued residential treatment could lead to the need for permanent institutional care. The evidence submitted in support of continued residential treatment consisted of the parent's testimony that a transfer out of the residential facility would be premature, and the reports from the private residential facility.

Public Law 91-142 requires local school systems to place handicapped students in the least restrictive environment, consistent with their needs. 20 USC §1412(5)(b). Part of the "least restrictive" requirement is the need to move a student back into the classroom with non-handicapped children as soon as possible. The evidence contained in the record supports the Regional Hearing Officer's conclusion that the program recommended by the Local System will provide the least restrictive environment, will meet the goals set forth in the individualized educational plan, and provide the Student with a free, appropriate public education.

#### PART IV

#### RECOMMENDATION

Based upon the foregoing findings and conclusions, and the record submitted, the Hearing Officer is of the opinion that the evidence supports the decision of the Regional Hearing Officer that the program recommended by the Local System will provide a free, appropriate public education for the Student. The Hearing Officer therefore, recommends that the decision of the Regional Hearing Officer be sustained.

  
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L.O. BUCKLAND  
Hearing Officer