

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: KAREN W.

:

CASE NO. 1981-37

O R D E R

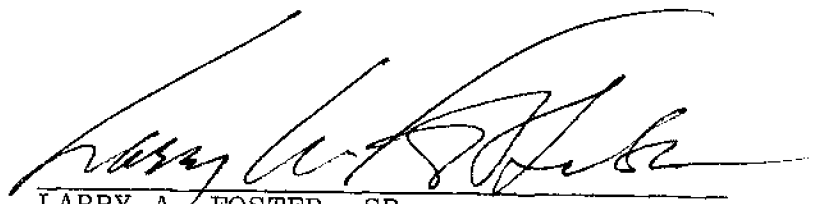
THE STATE BOARD OF EDUCATION, after due consideration of the record submitted herein and the report of the Hearing Officer, a copy of which is attached hereto, and after a vote in open meeting,

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

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: KAREN W.

:  
:  
:  
:  
:

CASE NO. 1981-37

REPORT OF HEARING OFFICER

PART I

SUMMARY OF APPEAL

This is an appeal from a decision by a regional hearing officer regarding the special education placement services for Karen W. (hereinafter "Student"). The Regional Hearing Officer decided that the DeKalb County School System (hereinafter "Local System") could provide a free appropriate public education for the Student in its severely emotionally disturbed program. The Student's parents appealed on the grounds that they believe the Student should remain in a private residential facility for another six (6) months. The Hearing Officer recommends that the decision of the Regional Hearing Officer be sustained.

PART II

FINDINGS OF FACT

The Student, who is presently fourteen years of age, is currently in a private residential facility where she was placed in 1979 by the Local System. See, In re Karen W., Case No. 1980-1. The Student has been diagnosed as having a pervasive developmental disorder.

On May 21, 1981, the Local System convened a placement committee meeting for the purpose of reviewing the Student's placement for the 1981-1982 school year. The placement committee recommended that the Student be transferred from the private residential facility into the severely emotionally disturbed program operated by the Local System. The Student's parents rejected the recommended placement and requested a hearing before a regional hearing officer. The hearing was conducted on September 10, 1981, and the Regional Hearing Officer issued her report on September 23, 1981. The DeKalb County Board of Education accepted the Regional Hearing Officer's decision on October 5, 1981 and the Student's parents appealed to the State Board of Education on October 13, 1981.

The Regional Hearing Officer found that all due process requirements had been met and that the Student was a seriously, emotionally disturbed, handicapped child. The Regional Hearing Officer also found that the Student requires support services, one-to-one instruction, slow integration into a larger peer group, recreational instruction and academic instruction. She also concluded that the program offered by the Local System could provide the needed services and was the least restrictive environment for the Student. She, therefore, decided that the proper placement for the Student was in the program recommended by the Local System.

The record shows that the Student has made significant gains while she has been in the private residential facility. The latest reports from the private residential facility indicate that the Student is in the process of being oriented towards returning home. The staff at the facility recommended that the Student remain there for another six (6) months in order to consolidate the gains she has already achieved. There was no evidence presented that the program offered by the Local System could not meet the needs of the Student.

### PART III

#### CONCLUSIONS OF LAW

The only contention by the Student's parents during the hearing before the Regional Hearing Officer was that the Student needed to remain in the private residential facility for another six (6) months. There was no evidence presented that the program recommended by the Local System could not meet the needs of the Student. The Regional Hearing Officer noted that the individualized educational programs devised by both the private residential facility and by the Local System were substantially the same. The reports contained in the record show that the Student has made significant gains. As pointed out by the Regional Hearing Officer, the program recommended by the Local System will provide the least restrictive environment

for the Student. The necessary support services for both the Student and the family are available within the Local System. The Local System's program will provide a very structured environment, close supervision, and therapeutic services. The Hearing Officer, therefore, concludes that the decision of the Regional Hearing Officer is supported by the evidence and that the program offered by the Local System will provide the least restrictive placement for the Student.

PART IV

RECOMMENDATION

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

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