

NOV 16 1983

STATE BOARD OF EDUCATION

STATE OF GEORGIA

IN RE: TRACEY T.	)	
	)	CASE NO. 1983-32
and	)	
	)	DECISION OF STATE
DEKALB COUNTY BOARD OF EDUCATION	)	HEARING OFFICER

This is an appeal by the parents of Tracey T. (hereinafter "Student") from a decision by a regional hearing officer that the DeKalb County School System (hereinafter "Local System") could provide a free, appropriate public education for the Student at its Margaret Harris facility. The appeal is based on the grounds the Local System did not establish that the Margaret Harris facility was adequate and the decision of the Regional Hearing Officer was, therefore, erroneous. For the reasons hereinafter set forth, the State Hearing Officer upholds the decision of the Regional Hearing Officer.

The Student, who is now fifteen years of age, is presently enrolled in a private residential facility where she has been located since 1975 when the Local System determined that it did not have an adequate program available for her. The Student has been diagnosed as autistic with mild to severe retardation. For the 1983-1984 school year, the Local System proposed to provide the Student with a program in its Margaret Harris facility, with residential treatment in the Georgia Retardation Center. The

Student's parents disagreed with the proposed placement and requested a hearing before a regional hearing officer.

The hearing before the Regional Hearing Officer was held on July 19, 1983. The Regional Hearing Officer found that the Student "manifests inconsistence of emotional expression, unpredictable language skills, temper tantrums, and aggressive behavior." She engages in rocking behavior, head banging, isolation, ingestion of inedibles, and other behavior. The latter behavior was evident when the Student initially enrolled in the private residential facility, but it has decreased in intensity and frequency. The Student has improved in her physical coordination, and now shows some ability to interact with her peers.

The Student has scored poorly on standardized tests used to measure intelligence and learning accomplishments. The tests indicate the Student has not improved since she was enrolled in the private residential facility. The Regional Hearing Officer, however, found that the Student has made some progress in social and adaptive learning skills, and she responds more promptly to commands and instructions to control her behavior.

The Regional Hearing Officer found that the Student requires twenty-four hour supervision, behavior modification, and more vocational experiences. The program proposed by the Local System can provide the Student with the educational experiences she requires. The proposed educational program is the same as the one used in the private residential facility. The proposed

program, however, will permit the Student to be in the least restrictive environment because it is located in the same city as the residence of the Student's parents, thus providing them with greater access to the Student, whereas the present private residential facility is located at some distance and there is little opportunity for the Student's parents to see her. In addition, the Regional Hearing Officer found that the support services available through the Georgia Retardation Center would provide the Student with the necessary medical, psychiatric, and psychological services.

The decision of the Regional Hearing Officer was issued on September 6, 1983. The appeal to the State Board of Education was filed by a letter dated October 11, 1983. The appeal set forth the claim that the Local System failed to show that the Margaret Harris program was appropriate for the Student.

The record shows that the Student requires individualized instruction and twenty-four hour supervision. The Student's individualized educational program, which was developed on June 29, 1983, provides that the Student needs to improve her basic academic and pre-vocational skills, improve her expressive language, develop socially acceptable behaviors, and improve basic adaptive learning skills. The Local System's program at the Margaret Harris School is designed to provide trainably mentally retarded and severely emotionally disturbed children with educational services. There is an extensive vocational

program available, and support services are available on-site or on call. One of the expert witnesses, who was not associated with either the Local System or the private residential facility, and who had an opportunity to observe both facilities, testified that the program offered by the Local System was one of the better programs in the country.

It appears, therefore, that the record supports the decision made by the Regional Hearing Officer that the Local System can provide the Student with a free, appropriate public education. The decision appealed from is, therefore,

SUSTAINED.

This 15<sup>th</sup> day of November, 1983.

  
L. O. BUCKLAND  
State Hearing Officer