

STATE BOARD OF EDUCATION  
STATE OF GEORGIA

IN RE: THERESA D. )  
and ) CASE NO. 1984-6  
MUSCOGEE COUNTY SCHOOL SYSTEM ) DECISION OF STATE  
HEARING OFFICER

This is an appeal by the parents of Theresa D. (hereinafter "Student") from a regional hearing officer's decision that the placement recommended by the Muscogee County School System (hereinafter "Local System") would provide the Student with an appropriate public education in the least restrictive environment. The Student's parents claim that the Local system failed to consider less restrictive alternatives. As more fully set forth hereafter, the decision of the Regional Hearing Officer is sustained.

During the 1983-84 school year, the Student attended a regular sixth grade class. During a portion of the 1982-83 school year, the Student had been enrolled in a behavior disorder ("BD") release program, but her parents removed her from the program. Throughout the 1983-84 school year, the Student was involved in numerous disciplinary incidents. On February 16, 1984, the Student attempted to stab another student with a pencil. The Local System conducted a meeting of the personnel involved with the Student and determined that the Student's

behavior was related to a handicapping condition. The Student's parents agreed with the Local System's recommendation that the Student enter the Woodall Psychoeducational Center for a thirty-day evaluation.

At the end of the thirty days, a placement committee meeting was held. The committee recommended enrollment of the Student in the Woodall Psychoeducational Center. The Student's parents disagreed and requested a hearing before a regional hearing officer.

The hearing before the Regional Hearing Officer was conducted on April 10-11, 1984. The Regional Hearing Officer found that the Student first received special education services during the 1981-82 school year when she was enrolled in a speech therapy class. She was later enrolled in the BD resource program. The Student was withdrawn from the speech program in November, 1982, and from the BD program on May 9, 1983. She attended regular education classes without further special education assistance.

The Student academically performed at grade level in the regular classroom. Her strongest subjects were spelling and reading; her weakest subjects were mathematics and science. Behaviorially, however, the Student encountered problems during both the 1982-83 and the 1983-84 school years. She was disciplined for outbursts in class, for failure to obey instructions, for leaving the classroom without permission, and for

failure to control her temper. She was suspended from school three times during each school year.

Before each suspension, the principal questioned the Student and obtained her version of the facts before taking any disciplinary action. The Student's parents were also informed of the incidents. The Regional Hearing Officer found that the Student had received due process in each instance.

The Regional Hearing Officer found that the Student has a history of violent and aggressive behavior towards others. She performs well in a structured setting and requires personal and individual attention. Her regular education teachers attempted to provide her with individual attention, and they made modifications in an effort to resolve the Student's problems. The Student was segregated from the other students and was given individual counselling. The parents were also counselled. A BD resource program was also attempted, but was unsuccessful, even though the BD resource teacher spent four to five hours per week with the Student and provided the regular education teachers with guidance behavior checklists. The regular education teachers were successful with some intervention techniques, but the Student requires such specialized and personalized attention that a regular education teacher, with twenty-nine other students in the class, cannot provide the services required.

The Woodall Psychoeducational Center serves students with severe emotional or behavioral disorders. The classes have eight to ten students assigned to a teacher and an aide. The students, therefore, receive individualized attention. The programs are designed to work on socialization skills, communication, behavior, and academics.

Based upon these findings, the Regional Hearing Officer concluded that the Woodall Psychoeducational Center was an appropriate placement for the Student. The Regional Hearing Officer also concluded that due process had been followed throughout the process.

During the hearing, the Student's parents contended that the Student did not need such specialized attention and could be handled in a regular education class. They maintained that the Student's problems arose from a neighborhood dispute with another student who was in her class, and these neighborhood disputes carried over into the classroom. The record, however, shows that the Student was unable to control her temper under many circumstances, and that the neighborhood dispute was not central to all of the incidents. Even when the Student was receiving BD resource services, her problems continued and discipline was necessary but ineffective. The Local System, therefore, has attempted to provide a program for the Student within the regular classroom, and has attempted to provide resource services. These attempts, however, were

unsuccessful because the Student requires a much more structured program, one which cannot be provided by a regular education teacher in a regular classroom with many other students.

During the placement committee meeting, the Student's parents presented a list of actions they wanted taken. These actions were not included in the Student's individualized educational program and were not discussed during the meeting. The Student's parents argued that the committee's failure to consider the actions resulted in a denial of due process. Each of the actions, however, related to maintaining the Student in a regular classroom situation. It is clear from the record that the Student cannot be presented an effective program in a regular classroom situation. Although she has satisfactorily progressed academically, her violent outbursts and attacks on other students present a clear danger to both herself and others. The regular classroom teachers are not prepared to deliver the necessary treatment. A psychological evaluation performed by a psychologist employed by the Student's parents shows the need for intervention in order to avoid later problems. The State Hearing Officer, therefore, concludes that the Local System considered alternative treatments, and that, under the evidence presented, the Woodall Psychoeducational Center is the least restrictive program for the Student.

The record shows that the evidence presented supports the decision that the Student's needs can be met in the psycho-educational program recommended by the Local System. The Local System, therefore, can provide the Student with a free, appropriate public education in the least restrictive environment. The decision of the Regional Hearing Officer, therefore, is hereby

SUSTAINED.

This 15<sup>th</sup> day of August, 1984.

*L. O. Buckland*  
\_\_\_\_\_  
L. O. BUCKLAND  
State Hearing Officer