

STATE BOARD OF EDUCATION

STATE OF GEORGIA

JONNATHON G.,

Appellant,

v.

MUSCOGEE COUNTY BOARD
OF EDUCATION,

Appellee.

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CASE NO. 1987-4

DECISION OF STATE
HEARING OFFICER

PART I

SUMMARY

This is an appeal by the parents of Jonnathon G. (hereinafter "Student") from a decision of a Regional Hearing Officer that the Student was properly placed in the Woodall Psychoeducational Center in 1985 and was properly classified at that time as having a primary disability of severely emotionally disturbed. The parents contend on appeal that the Student should not have been classified as severely emotionally disturbed.

PART II

FACTUAL BACKGROUND

On April 23, 1985, the Student was involved in an outburst in which the Student became uncontrollable. Based upon this incident, the principal of the Student's school decided to suspend the Student. Because the Student was involved with special education, a hearing was held by a committee to determine whether the Student's conduct was related to the Student's handicap. The committee made the determination that the Student's behavior was related to his handicap, and continued the Student's suspension until an emergency staffing could be held. The emergency staffing was held, and an IEP committee met. Based upon the Student's past history and school records, the committee recommended placement at the Woodall Psychoeducational Program on a diagnostic basis for the remainder of the school year, with a final staffing to be held at the beginning of 1985-1986 school year. The parents consented to that placement.

On October 21, 1985, the IEP committee met again and recommended that the Student continue the previous year's placement. The parents agreed with that recommendation.

On May 8, 1986, a new IEP committee met and, based upon the progress of the Student, recommended the Student be placed full time in a Behavior Disorder Resource program. Thus, the Student was no longer placed in the psychoeducational center.

The parents requested the hearing below contending that, in 1985, the Student should not have been classified as severely emotionally disturbed, and that all references in his records which reflect such a classification should be removed. The Local Board offered to allow the parents to place statements concerning the records in the file, but refused to change the records.

The hearing was held on December 10, 1986. The parties agreed to give the Regional Hearing Officer an extension of time to issue his decision and the decision was timely issued on January 9, 1987.

The Regional Hearing Officer found that the evidence was sufficient to support the placement of the Student at the psychoeducational center and the identification of the Student as severely emotionally disturbed.

The parents filed this appeal on January 16, 1987.

PART III

DISCUSSION

The parents' appeal consists of a letter informing the State Superintendent of Schools that an appeal is requested. The letter states that the parents will await the State Superintendent of School's response as to the holding of the appeal. The Legal Assistant for the State Superintendent of Schools wrote the mother of the Student, notifying her that, if she desired to send a brief of her position, the brief was due no later than February 2, 1987. No brief was submitted by the parents.

The State Hearing Officer is required to sustain the decision of the Regional Hearing Officer if his decision is supported by substantial evidence and no error of law is shown. State Board Policy JQAA, June, 1984; Georgia Special Education State Program Plan FY 84-86, pg. 51.

In the present case, the decision of the Regional Hearing Officer is supported by substantial evidence, and the parents have not shown that any errors of law were made. The Regional Hearing Officer cited numerous instances in which the Student was involved in severe school-related problems. These instances qualified the Student for placement in the psychoeducational center under Georgia Department of Education Regulations and Procedures § IDDFd3 (VI) (C) (2) (c) . Additionally, the psychologist at the psychoeducational center testified he found ample evidence to support a severe behavior disorder, related to family problems, as well as severe school-related problems. The parents have provided no arguments on appeal which would show that errors of law were made by the Regional Hearing Officer, and none are apparent from the record.

PART IV

DECISION

Based upon the foregoing discussion, the record presented, and the letter brief submitted by the Local Board, the State Hearing Officer is of the opinion that the decision of the Regional Hearing Officer that the Student was, in 1985, severely emotionally disturbed, is supported by substantial evidence. Additionally, the parents have not shown any error of law committed by the Regional Hearing Officer. Therefore, the decision of the Regional Hearing Officer is

SUSTAINED.

This 16th day of February, 1987.

L. O. BUCKLAND
State Hearing Officer