

STATE BOARD OF EDUCATION
STATE HEARING OFFICER

**STATE BOARD OF EDUCATION OF
STATE OF GEORGIA, DEPARTMENT
OF HUMAN RESOURCES OF GEORGIA
AND ROME CITY SCHOOL DISTRICT,**

Appellants

v.

PHILLIP E.,

Appellee

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CASE NO. 1988-17

ORDER OF THE STATE HEARING OFFICER

The above-styled matter is presently on appeal before the state hearing officer as to several issues decided by the regional hearing officer. All parties have conveyed to the state hearing officer that they have agreed upon a settlement of all issues in the above-styled matter and the proposed settlement having been reviewed by the state hearing officer and found to be reasonable and fair and in the best interest of Phillip E., the same is approved and the terms incorporated in this order as follows:

1.

The previous decision of the regional hearing officer is vacated and set aside and this order shall become the order governing the issues raised on behalf of Phillip E. in this proceeding.

2.

Phillip E. is presently receiving an appropriate education in Whitfield County which is being delivered by the Whitfield County School System and was receiving an appropriate education while residing in Northwest Georgia Regional Hospital (hereinafter the Hospital) following the development of an IEP by Rome City School System (hereinafter Rome) on December 16, 1987.

3.

The parties have agreed that Phillip E. shall be eligible to receive an appropriate education through the age of twenty-two to be developed by the local school system where Phillip is a resident at the time he reaches his twenty-second birthday. The IEP to be developed for Phillip by such local school system shall be in accordance with all policies and regulations of the State Department of Education (hereinafter DOE) and shall be developed with the cooperation and appropriate input from the State Department of Human Resources (hereinafter DHR).

4.

The local school district which provides Phillip E. with an appropriate education, in accordance with paragraph 3 above, shall be eligible to earn those funds in accordance with the applicable full-time equivalency count as defined in O.C.G.A. § 20-2-161 or those funds provided to local school districts under O.C.G.A. § 20-2-133, if applicable.

5.

Rome shall pay to Georgia Legal Services as the cost of litigation the sum of \$3,000.00.

6.

DOE shall pay to Rome the sum of \$1,500.00 in full settlement of any claim against DOE that Rome may have arising from the facts in this case.

7.

DHR shall pay to Rome the sum of \$1,500.00 in full settlement of any claim against DHR that Rome may have arising from the facts in this case. This \$1,500.00 payment is not payment for any

services required under that written agreement between Rome and the Hospital (a facility of DHR) regarding, inter alia, notification procedures for residents of the Hospital, which agreement was executed in August of 1985.

8.

The order constitutes a complete and full settlement of all issues which were raised or could have been raised in the proceeding filed in this matter before the regional hearing officer.

This 14th day of August, 1988

L.O. BUCKLAND
STATE HEARING OFFICER

Approved and agreed to by:

Richard R. Thompson
Attorney for State
Department of Education

Kathryn L. Allen
Attorney for State
Department of Human Resources

Sam Harben, Jr.
Attorney for Rome City
School System

Torin Togut
Attorney For Ireland Edwards

Carol Walker
Surrogate Parent for
Phillip Edwards