

STATE BOARD OF EDUCATION

STATE OF GEORGIA

KRISTIAN B.,

Appellant,

v.

**DEKALB COUNTY
BOARD OF EDUCATION,**

Appellee.

:
:
:
:
:
:
:
:
:
:
:

CASE NO. 1988-53

**DECISION OF
STATE HEARING OFFICER**

PART I

SUMMARY

This is an appeal by Kristian B. ("Student") from a Regional Hearing Officer's decision that the DeKalb County School System, which serves as the Local Educational Agency ("LEA"), can provide the Student with a free, appropriate public education. The State Hearing Officer affirms the decision of the Regional Hearing Officer.

PART II

BACKGROUND

The Student, who is now fourteen years old, was a student in the LEA system since her pre-school days until December, 1987. In December, 1987, she was placed in a private residential facility in Florida for medical reasons by her parents. Prior to being placed in the private residential school, the Student was participating in special education classes provided by the LEA. She, however, had started to display some behavior problems. Before the Student was placed in the private residential program, the Student's parents and the LEA agreed that the LEA could provide the Student with an appropriate educational placement and that Sexton Woods Elementary School was the Student's last current educational placement for the purposes of 300

C.F.R. § 300.513(a). The Student was to remain at the private facility until the end of the 1987-1988 school year.

While at the private residential school, the Student made progress in controlling her behavior problems. Her educational progress, however, was sporadic. In June, 1988, the LEA and the Student's parent prepared an individualized educational program ("IEP") for the Student in anticipation of her return to the LEA. The IEP was updated in August, 1988 and provided for placement at Sexton Woods. The Student's parents objected to placement at Sexton Woods because they felt the Student should remain in the private residential facility. The Student's parents requested a hearing before a regional hearing officer to determine if the LEA could provide an appropriate educational placement for the Student.

The Regional Hearing Officer found that the goals and objectives in the Student's amended IEP were appropriate to meet the Student's educational needs, and that the program to be provided at Sexton Woods was designed to enable the Student to make educational progress. The Regional Hearing Officer decided that placement in the Sexton Woods program would provide the Student with a free appropriate public education in the least restrictive environment. The Student's parents disagreed with the Regional Hearing Officer's decision and appealed to the State Hearing Officer

PART III

DISCUSSION

In the letter of appeal, the Student's parents stated that they disagreed with the Regional Hearing Officer's decision because the Student was abusive, would be in a class of boys, would not receive any vocational training, and would not benefit academically or behaviorally from being in Sexton Woods. The parents also referred to evaluations that stated that the Student needed to be in a twenty-four hour residential treatment program.

If there is substantial evidence in the record to support the decision of a regional hearing officer, then the decision will not be disturbed upon appeal. See, Burke County Bd. of Educ. v. Brandon C., Case No. 1988-5 (St. Bd. of Ed. May 5, 1988). The record in this case supports the decision of the Regional Hearing Officer.

The Student requires a highly structured classroom setting. The program at Sexton Woods can provide a highly structured setting. The objectives and goals set forth in the Student's IEP can be met in the program at Sexton Woods. The Student has been able to make educational progress in the program at Sexton Woods, and there is no evidence that such progress will halt. The State Hearing Officer concludes that the record supports the decision of the Regional Hearing Officer.

PART IV

DECISION

Based upon the foregoing and the record submitted, the State Hearing Officer is of the opinion that there was evidence presented that supports the decision of the Regional Hearing Officer that a free appropriate public education in the least restrictive environment can be provided to the Student by the LEA. The decision of the Regional Hearing Officer, therefore, is

AFFIRMED.

This 13th day of January, 1989.

L. O. Buckland
State Hearing Officer