

SCHOOL MUST PUT DISABLED GIRL IN CLASS

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A multiply handicapped girl attending Liverpool High School has not been receiving the necessary educational services she requires, and the state commissioner of education has ordered the school district to start providing them.

Commissioner Thomas Sobol on Sept. 15 upheld a hearing officer's earlier decision that the student, a 17-year-old girl whose name is being withheld, should be returned to her special-education class from a one-on-one teaching situation.

Geraldine Muoio, Liverpool Central School District's director of special education, said the district is in the process of planning how to implement the ruling.

"We'll do it as soon as we possibly can," she said.

She was unable to estimate the cost of compliance.

According to the commissioner's decision, the student in question is profoundly deaf in both ears, has limited use of sign language, is mentally retarded, has physical anomalies and wears a prosthesis.

The district's Committee on Special Education removed her from a special-education class containing 11 other high school students because of behavioral problems on Oct. 28.

The action was taken after a string of incidents. The student began attending the school Sept. 6, 1988, and between Sept. 14 and Oct. 4, her mother was called four times to take her home because of outbursts.

On Oct. 4, the girl was suspended for five days. However, she remained at home with no instruction until Oct. 28, while the Liverpool Central School District's Committee on Special Education reviewed her case.

The committee decided the girl should be removed from class, and ordered one-on-one tutoring. It also cut back on her instruction time, with her schooling ending at 11 a.m. Adaptive physical education and other services were cut back.

The parents objected, and asked for a hearing officer to review the case.

However, because the district would not provide for a behavioral management crisis plan they felt was necessary for their daughter to remain in school, the parents complied with the Special Education Committee's judgment.

On April 14, the hearing officer found the student should be returned to class, and a behavior management plan should be drafted. The officer also extended the school day to 5 1/2 hours, and

ordered a full-time teacher for the deaf during all of the student's instructional time.

The school district appealed to the commissioner, saying the hearing officer had overstepped his boundaries by not referring the case back to the Committee on Special Education.

In his ruling, Sobol writes that education law says a special-education student must be placed in the least-restrictive atmosphere, which for this student was the classroom. Had the officer returned the case to the committee, the student would have spent more time in the wrong educational setting, he wrote.

Muoio said the district plans to seek clarification from the commissioner on one point raised in the six-page decision. She said it's unclear whether Sobol wants school officials to provide the girl with a teacher for the deaf, an interpreter or both. The cost to the district, she said, ``will depend on how he clarifies those points."

The girl's name is being withheld by the state and the school district under privacy provisions of a federal law governing the education of handicapped pupils.

Edward Luban, a Syracuse attorney representing the girl's parents, could not be reached for comment Sunday.