



MEMORANDUM

TO: Indiana State Board of Education

FROM: Dana L. Long, Legal Counsel *DL*

RE: Jo.A. and Ja.A. v. MSD of Lawrence Township
Expulsion Due to Lack of Legal Settlement
Right To Attend School
Pursuant to I.C. 20-33-8-17 and I.C. 20-26-11-15
Hearing No. 1111011
Closed Hearing

DATE: Dec. 21, 2011

The students resided with their mother within the MSD of Lawrence Township at the beginning of the school year but moved at the end of September. The students were expelled from school due to lack of legal settlement effective October 31, 2011. The students subsequently enrolled in MSD of Washington Township. The students appealed the expulsion, claiming it was contrary to law. The students sought to have the expulsions removed from their records and a letter of apology from the school corporation.

The school acknowledged that it had not followed proper procedures and the students should not have been expelled. The school issued a letter of apology and removed any reference to the expulsion from the students' records. Based upon the settlement between the parties, this matter was dismissed.

BEFORE THE INDIANA STATE BOARD OF EDUCATION

In Re the Matter of:)	
Jo.A. and Ja.A.,)	Cause No.: 1111011
Petitioners,)	
)	Status: Closed to the public
v.)	
)	
MSD of Lawrence Township,)	
Respondent)	

Expulsion Due to Lack of Legal Settlement
Right to Attend School
Pursuant to I.C. 20-33-8-17 & I.C. 20-26-11-15

RECOMMENDED ORDER OF DISMISSAL

Procedural History

At the beginning of the 2011-2012 school year Petitioners resided within the MSD of Lawrence Township. On September 27, 2011, Petitioners' mother signed a lease for an apartment located within the MSD of Washington Township. Petitioners were expelled and advised that October 31, 2011, would be their last day. Petitioners enrolled in the MSD of Washington Township on November 8, 2011. Petitioners appealed the expulsion, claiming it was contrary to law. Petitioners specifically requested that the expulsion be removed from their records, and that the school issue a letter of apology.

The undersigned was appointed as the hearing examiner for the State Board of Education. The parties were notified that a hearing would be conducted in the offices of the Indiana Department of Education on December 6, 2011. Petitioners were represented by their mother. Respondent, MSD of Lawrence Township was represented by legal counsel, Charles R. Rubright, and its Director of Student Services, Tammorra Golder.

Settlement

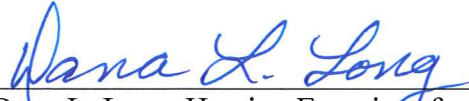
Respondent acknowledged that it failed to follow its own procedures and the requirements of law in its expulsion of Petitioners. The Petitioners had legal settlement at the start of the school year and had the right to attend school within the MSD of Lawrence Township until the end of the semester. Respondent acted in haste and contrary to law and procedure in expelling the Petitioners. Respondent provided Petitioners with a letter of apology, a verbal apology, and an

assurance that any reference to the expulsion would be removed from Petitioners' records. Petitioners accepted Respondent's settlement. Petitioner's mother also requested the opportunity to review the Petitioners' records. Respondent will arrange for Petitioners' records to be reviewed. In the event the records have been transferred to MSD of Washington Township, legal counsel indicated he also represented that school corporation and would assist if necessary to see that the records could be reviewed.

Based upon the above representations, the parties agreed that no hearing was required.

It is therefore ordered that this matter be dismissed.

Dated: December 6, 2011



Dana L. Long, Hearing Examiner for the
State Board of Education

Copies to (via certified mail):

Roxanne Sease Coleman
9324 Kungsholm Dr., Apt. F
Indianapolis, IN 46250

Charles R. Rubright, Esq.
Bose McKinney & Evans
135 N. Pennsylvania St., Ste. 2700
Indianapolis, IN 46204-4407

cc: Rebecca Bowman, State Board Administrator