



INDIANA STATE BOARD OF EDUCATION

TO: Indiana State Board of Education
FROM: Timothy Schultz, Deputy General Counsel (Hearing Examiner)
RE: Appeal of Expulsions/Legal Settlement Dispute pursuant to I.C. 20-26-11-15
Cause No. 10-102015
DATE: 1/26/16

Recommendation

Vote to dismiss the cause 09-092015

Relevant Procedural History

On September 2, 2015, the Respondent issued a legal settlement notice letter to the parent of Petitioners. This was followed by a September 21, 2015, Notice of Expulsion Meeting letter that set the expulsion meeting for September 23, 2015. After the expulsion meeting, the Respondent issued an Expulsion Examiner's Written Summary of Legal Settlement Determination and Notice of Action Taken on October 5, 2015, which resulted in the expulsion of the Petitioners. The Petitioners filed an administrative appeal with the State Board of Education on October 23, 2015, with the subsequent hearing occurring November 18, 2015. Representatives for both the Petitioners and the Respondent attended the hearing.

Petitioners' Contentions

The parent of the Petitioners contended that Student 1 had been attending School Corp. for four years until the expulsion. The parent also contended that Student 2 had recently started her first year of kindergarten at School Corp. During the expulsion meeting, the parent provided documentation to establish that she was a resident within the School Corp. This included materials such as the parent's car insurance documentation, driver's license, pay check stubs, current cell phone bill and credit card bills that indicated that the parent lived within the School Corp.

Respondent's Contentions

According to the Examiner's Written Summary of Legal Settlement Determination and Notice of Action Taken, the Respondent reviewed the materials provided by the parent of the Petitioners, materials provided by school administrators, and statements made by the Petitioners to school administrators. Based on these materials the Respondent expelled the Petitioners.

Conclusion

During the course of the November 2015 administrative hearing, the parties discussed the various issues and evidence relating to the legal settlement of Student 1 and Student 2. Ultimately, it was determined that the matter could be resolved informally. The expulsion was reversed, and the Petitioners were readmitted to the school.