




MEMORANDUM

TO: Indiana State Board of Education

FROM: Dana L. Long, Legal Counsel 

RE: Community School Corporation of Southern Hancock County v. Indianapolis
Public Schools
Transfer Tuition Pursuant to I.C. 20-26-11-15; IC 20-26-11-8
Hearing No. 1206003

DATE: July 20, 2012

Respondent billed Petitioner transfer tuition for a student having legal settlement within Petitioner's school corporation. Petitioner requested a hearing to challenge its obligation to pay. The hearing was scheduled for June 28, 2012. Petitioner failed to appear for the hearing. The hearing examiner issued a recommended default judgment in favor of Respondent.

No objections to the hearing examiner's recommended decision have been filed.

BEFORE THE INDIANA STATE BOARD OF EDUCATION

Community School Corporation of)
Southern Hancock County)
Petitioner,)
)
v.)
)
Indianapolis Public Schools,)
Respondent)

Cause No.: 1206003

Determination
of Transfer Tuition
Pursuant to I.C. 20-26-11-15; 20-26-11-8

RECOMMENDED DEFAULT JUDGMENT

This matter was previously scheduled for hearing to be conducted at 10:30 a.m. on June 28, 2012. Both parties were provided with notice of hearing dated June 12, 2012. Respondent Indianapolis Public Schools (IPS) was present in person, represented by Roberta Recker, Esq. Also present on behalf IPS were Mary Lowe, Assistant Special Education Director, and Rob Robinson, Department Chair, Satellite Schools. Petitioner failed to appear.

The Administrative Assistant for the Office of Legal Affairs, Indiana Department of Education, telephoned Petitioner's office and spoke with Natalie Disman, Administrative Assistant for the Superintendent, and was advised that the Assistant Superintendent was not in the office that day. Further, Ms. Disman advised that Petitioner had submitted by mail and e-mail a notice to dismiss or withdraw. Petitioner was asked to resubmit that document as it had not been received by the hearing examiner or by Respondent. The e-mail that was subsequently received pertained to another matter and not the current dispute.


In the Notice of Hearing, the undersigned hearing examiner advised the parties as follows:

Failure to appear by a party may result in a default judgment entered against such party. Should the parties resolve this dispute, please advise the hearing examiner at the earliest opportunity.

The hearing examiner waited until 11:00 and Petitioner failed to appear.

It is therefore ORDERED that Petitioner be defaulted in this matter. Petitioner shall pay transfer tuition to Respondent in the amount of \$6,405.61.

Dated: June 28, 2012


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

APPEAL RIGHT

Any party, not in default, wishing to file objections to this recommended decision may do so in writing within fifteen (15) calendar days from the receipt of this order. The basis of any objections must be stated with particularity. A party must cite to any Finding of Fact, Conclusion of Law, or Order with which the party takes exception. Objections must be mailed to Rebecca Bowman, State Board Administrator, Indiana Department of Education, Room 229, State House, Indianapolis, Indiana 46204-2798. This order will become final after fifteen (15) calendar days with no further action required by the Indiana State Board of Education unless objections are filed or the Board, by majority vote, decides to set this cause for oral argument. In either situation, you will be advised of the date the Board will consider the case.

Any party filing objections or responding to same must provide a copy of such written objections or written responses to the representative of the other party. Failure to do so may result in dismissal of your appeal.

Copies to (via certified mail):

Mr. James Halik, Superintendent
Southern Hancock Co. Com. Sch. Corp.
4711 South 500 West
P.O. Box 508
New Palestine, IN 46163

Dr. Eugene White, Superintendent
Indianapolis Public Schools
120 E. Walnut Street
Indianapolis, IN 46240

Roberta Recker, Esq.
Faegre Baker Daniels, LLP
300 N. Meridian Street, Ste. 2700
Indianapolis, IN 46204

cc: Rebecca Bowman