

DOJ sides with student sexually assaulted at Sparkman Middle School

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Sparkman Middle School (Source: WAFF)

MADISON COUNTY, AL (WAFF) -

The Department of Justice filed a brief in the 11th Circuit Court of Appeals stating the Northern District of Alabama District Court erred when tossing a case filed on behalf of a Sparkman Middle School student sexually assaulted in a school restroom.

The attack happened in January 2010. The victim says the attacker approached and propositioned her about having sex in a bathroom. The victim said no and reported the interaction to a teacher's aide.

The teacher's aide told the student to agree to meet the attacker so the student would be "caught in the act." The student agreed.

According to the brief, the teacher's aide alerted a vice-principal to the plan. The student then met the attacker in the restroom, where she was sodomized.

No teachers intervened.

The DOJ brief states the school district knew of the attacker's long history of sexual misconduct. Over the course of two school years, the student had 16 prior incidents. Six of those incidents involved sexual misconduct. Four of the incidents involved violence or threats of violence.

The DOJ also says the school district destroyed records from previous years and failed to maintain any record of unsubstantiated complaints against the attacker.

Attorneys for the DOJ argue the court cannot toss a case when the school board "willfully ignores a plan to use a 14-year-old special needs student as bait to catch a student with a known history of violence, misconduct, and as result, the student is sodomized."

The victim's attorney, Eric Artrip, said he tried to get information on this incident and the list of other incidents the offender was involved in. He said all that is left on the subject's record is an incident labeled "inappropriate touching." Artrip doesn't think that is a fair classification.

32 organizations, including the Alabama Coalition Against Rape, also filed a brief in support of sending this case to trial. The original lawsuit named Principal Ronnie Blair, Vice-Principals Jeanne Dunaway and Teresa Terrell, and teacher's aide June Simpson.

The Madison County Board of Education released the following statement: "The attorneys for the Board of Education and school officials are confident that the 11th Circuit Court of Appeals will rule in favor of the Board and the administrators. Our attorneys recommend that we not discuss ongoing litigation."

The Plaintiff's attorney said she still can't understand how something like this happens at a school.

"I've been a lawyer for 20 years. I think nothing is going to surprise me, and then something comes along that surprises me," said attorney Teri Mastando. "This was one of those things."

One of the Sparkman Middle School leaders named in this suit is now a principal at a different school. Jeanne Dunaway is now principal at Madison County Elementary. Artrip

said he believes her conduct with regard to the incident violated both state and federal law.

School board members adjourned their Thursday night board meeting to go into executive session to "discuss pending litigation."

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