

Madison County policy allowed Sparkman Middle 'bait' rape to happen, victim's attorneys say



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HUNTSVILLE, Alabama -- Attorneys for a 14-year-old special needs student raped in a Sparkman Middle School bathroom in 2010 say school board policy "created the very situation" in which the teen was assaulted.

The latest statements by attorneys Eric Artrip, Teri Mastando and Tony Mastando come on the heels of a **Tuesday news conference** in which a lawyer for Madison County Schools argued that administrators at Sparkman -- Principal Ronnie Blair and assistant principals Teresa Terrell and Jeanne Dunaway -- were blameless in the incident.

Board attorney Mark Boardman instead laid blame for the assault at the feet of June Simpson, the teacher's aide who, based on her understanding of Blair's policy on sexual harassment, used the girl as "bait" to catch a 16-year-old boy sexually harassing her in a school bathroom. When no school officials followed the teens into the bathroom, the girl was sodomized.

"No administrator played any role in this at all," Boardman said of the rape.

Simpson has said in court documents that she told Dunaway about her plan beforehand.

Dunaway has denied hearing what Simpson said.

The girl's lawyers issued a statement late Tuesday night expressing disappointment in school officials.

"The board stated how hurtful the media reports have been to the administrators involved and to the Madison County school system, but did not accept responsibility for the failed policies that caused this tragic situation," the statement said.



Tony Mastando, from left, Teri Mastando and Eric Artrip are representing the 14-year-old girl raped in a Sparkman Middle School bathroom in 2010. (Photo courtesy of Mastando & Artrip LLC)*Crystal Bonvillian | cbonvillian@al.com*

"The board's policy that no harasser would be punished unless he was 'caught in the act' created the very situation that allowed a boy, with a long history of sexual and violent misconduct at school, to roam the school's halls freely, harassing girls to have sex with him in the bathroom. Because of this policy, a teachers' aid(e) told the assistant principal she was sending this girl into the bathroom to catch this boy in the act; where, instead, the girl was raped," the statement said.

At Tuesday's news conference, Boardman pointed to the decision by U.S. Magistrate Judge T. Michael Putnam last year to toss out the federal lawsuit against the administrators, Simpson and the school board, saying that Putnam was the "only independent person to have looked at everything in this matter.

"In looking at everything, he found no evidence of any violation of federal law by any Board of Education administrator, or by the Board of Education. He found that the Board of

Education's policies were proper and he found that school administrators took appropriate action and complied completely with federal law as soon as they were notified of this unfortunate incident," Boardman said.

The statement from Artrip and the Mastandos, in turn, points to the U.S. Department of Justice's amicus brief, filed in conjunction with the Department of Education **to support the girl and her father in their appeal** of Putnam's decision.

"The Department of Justice and the Department of Education reviewed this case and said that the lower court got it wrong," the attorneys said. "It got the facts wrong; it got the law wrong." The girl's attorneys also pointed out that Boardman addressed only the federal claims against the school officials; Putnam allowed state claims for negligence and wantonness against Dunaway and Simpson to move forward.

"This is the exact same behavior we have seen all along from the board: from the day of the rape, until the time they shredded the boy's records, until they appealed the fact that Judge Putnam found evidence to support the state law claims against Ms. Dunaway," the statement said.

The attorneys said they and their client remain committed to seeing the facts come out and having their day in court.