

The Indiana Law Blog

Focus is on Indiana law, and on interesting developments in law, government, and more (not just in Indiana).

Friday, June 19, 2009

IND. DECISIONS - "CASE CLOSED: APPEALS COURT RULES IN NETTLE CREEK'S FAVOR"

The 7th Circuit's May 29th opinion in the case of *Lucero v. Nettle Creek School Corp.* is the subject of a story today by Natalie Root of the **Richmond Paladium-Item**. It begins:

HAGERSTOWN, Ind. -- After years of defending itself against allegations of wrongdoing by one of its teachers, the Nettle Creek School Corporation has reached the end of a long journey.

The U.S. Court of Appeals for the Seventh Circuit, Chicago, recently upheld a 2008 decision by an Indiana U.S. District Court that found in favor of the school corporation in a lawsuit originally filed by teacher Sharon Lucero in 2005.

Lucero filed the lawsuit after she was moved from teaching honors and regular senior English to seventh-grade English for the 2004-05 school year.

The lawsuit brought 11 different claims alleging the violation of her civil rights -- allegations of sexual harassment, a hostile work environment, breach of contract, administrative retaliation, violation of the school board's Just Cause and Appeal Policy, and discrimination on the basis of sex, race, color and national origin. The allegations related to incidents that happened during the year she taught senior English and for about a year following that time.

Superintendent Joe Backmeyer said, "Obviously, we're glad that it's at an end. ... The federal court in Indianapolis granted summary judgment for us, and then (Lucero) chose to appeal it, which meant simply trying the same oral arguments over the same material, only in front of a three-panel judge in Chicago. So it just vindicates and shows that the corporation did not err."

The conflict between Lucero and her school administration began before she filed the lawsuit in 2005. She filed a similar grievance that went to arbitration and two similar discrimination charges with the Equal Employment Opportunity Commission. In addition, an unfair labor practice complaint was filed with the Indiana Education Employment Relations Board (IEERB) by the Nettle Creek Classroom Teachers Association in 2004 on behalf of Lucero. All were resolved in the favor of the school corporation.

[Here is a list of earlier ILB entries on the case.](#)

Posted by Marcia Oddi on June 19, 2009 11:15 AM

Posted to [Ind. \(7th Cir.\) Decisions](#)