

Judge Orders RBHS senior back after 4-month absence

By Bob Skolnik

04/21/2009

"I feel really, really good," said a visibly relieved Segura in the hallway outside Courtroom 2402 at the Daley Center moments after the ruling. "I'm glad the judge saw it (our way) and I'm glad to be back in school."

School board President Larry Herbst said on Sunday that RB will not appeal Novak's decision.

"There's only six weeks left in school," Herbst said. "There's absolutely no point to appeal. We went by the advice of our investigator. I'm still not sure we're not right, but we're going to accept the decision of the court."

At a November hearing a school appointed hearing officer had ruled that Segura and two cousins did not live in the 200 block of west Burlington in Riverside, but rather lived on west Ohio Street in Chicago in a building owned by Segura's grandmother who had adopted him.

The two cousins did not appeal. Jessica Segura had already earned enough credits to graduate and Nicholas Segura enrolled at Amundsen High School in Chicago.

But, Arthur Segura's Aunt Eva who owns the Burlington Avenue home and says she is Arthur's guardian filed suit on Arthur's behalf to overturn the decision of the school board to remove Arthur from RB. Segura has attended RB since the beginning of his sophomore year.

During the 35 minute hearing Friday morning, the judge wrestled with the case and noted there was not a lot of evidence presented by either side to clearly establish legal residency.

"I find this kind of a hard case," Novak said. "What is the honest truth out there in the real world I haven't a clue."

But she said RB simply had not proved its case. She ruled that the hearing officer's decision, and the school board's acceptance of it, was "against the manifest weight of the evidence."

"I think the record is too thin for me to uphold the decision of the school district to disenroll Arturo," Novak said.

In the fall RB hired the firm National Investigations, Inc. to conduct residency investigations and the firm has aggressively increased residency investigations. At least 13 students have been removed from RB this school year since the firm was hired.

But Novak was not impressed by evidence gathered by the firm in this case. A National Investigations investigator conducted video surveillance outside both the Riverside and Chicago homes. But Arturo was not on either video and Novak called the DVD "wholly inconclusive."

Segura's lawyer, Steven Glink, agreed.

"The guy sat in front of the house, or a couple of houses, for about an hour or two in the morning and that was it," Glink said after the hearing. "Never say him, never had a picture of him, never talked to anybody, never even knocked on the door."

As reported in the Landmark in February a Landmark reporter made an unannounced visit to the Burlington home on a weekday afternoon after Segura had been removed from RB, rang the doorbell and Arturo Segura answered the door.

Glink said it is not easy to persuade a judge to overturn a school board's ruling in a residency case.

"These cases are somewhat hard to win because the legal standard is pretty high," said Glink, who added that judges typically give great deference to administrative rulings by schools.

Segura said he just wants to get back to school, see his friends, and earn the credits he needs to graduate in June. He said he just needs to pass an English class and fulfill a couple of other requirements.

"I just really hope that they do their very best to help him walk across the stage with the rest of his classmates," said Laura Perez, an aunt of Arthur's who was at the hearing.

It hasn't been easy for Segura to miss out on a big chunk of his senior year. He was on the wrestling team and missed the last half of the season and he missed many other school activities.

Now, at a time when many seniors are sick of going to school, Segura is happy to be back with his friends. He is looking forward to his final few weeks of high school and trying not to think about all the time he has missed.

"We're very happy at the decision and it's definitely a huge burden lifted off our shoulders," Eva Segura said. "I just thank God that things went the way we thought they were going to go."