

ADE DAILY NEWS CLIPS

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Insurance-rate anxiety rises for teachers (Arkansas Democrat-Gazette)

Shelley Smith's frustration with her rising insurance costs has taken a number of forms. Last September, the Fox resident wrote an editorial documenting the disparity between premium rates for state and public-school employees. A short while later, she started a petition drive asking legislators to address skyrocketing premiums for public-school employees.

On Tuesday, she wore a neon-green shirt to a state board meeting. Depicted on its front: a mostly eaten apple, reduced nearly to its core, with the words "taxes" and "health insurance" floating in the empty space.

"I'll be really hard to avoid looking at," said Smith, who teaches at Rural Special School in the Mountain View School District, before seating herself in the center of a cavernous meeting room a stone's throw from the state Capitol.

Members of a state life and health insurance board gathered Tuesday in Little Rock to review proposed adjustments to Arkansas' health-insurance plan for public-school employees. Dozens crowded into the Arkansas Department of Finance and Administration's Employee Benefits Division to learn more about the \$61 million budget shortfall affecting the state's health-insurance plan, and the deficit's implications on insurance costs.

Teachers and school officials worry that the increasing cost of premiums could cripple family budgets and force them to find new jobs with better benefits. The rates and accompanying financial strain, they say, have already made working in Arkansas unaffordable for some educators. The public-school plan, which covers almost 83,000 people - 47,000 teachers, cafeteria workers, janitors, other school employees and their families - could see 44 percent rate increases beginning in 2014 if board members don't opt to cut benefits. Another plan would adjust premiums at varying rates, leaving some to foot a larger percentage of the deficit's load than others.

Jason Lee, director of the Employee Benefits Division, said the board will vote on the rates by August, allowing employees time to adjust their plans if necessary through October.

But representatives with the Arkansas Public School Resource Center say the clock is ticking for many teachers - they'd like to find out where their rates will stand before summer's end. Under one scenario, premiums for a family on the state's "gold" plan would increase about 58 percent, from \$1,029.96 to \$1,626.82. The scenario calls for a each employee to receive a fixed monthly contribution toward premiums of nearly \$89 from the state, and a minimum fixed monthly contribution of \$150 from school districts.

School employees had previously groaned about the difference in premium costs between state and public school employees. State employees are offered significantly cheaper plans because the state provides about \$390 per month for their care, compared to about \$89 per month for public school employees. School districts also contribute money toward their employees' premiums. The state Legislature voted in January to increase the minimum contribution by school districts to \$150, a \$19 increase in a year when rates for some increased by more than 20 percent.

"You have a situation where school employees need to find out if they can work," said Katie Clifford, the Arkansas Public School Resource Center's director of communications.

The plans go into effect Jan. 1. That's when the Patient Protection and Affordable Care Act will begin requiring most Americans to have health insurance and penalize those who don't with a fine equal to \$95 or 1 percent of their income, whichever is greater.

As they stand, all the options leave teachers with their hands tied, Smith said.

"If the EBD [Employee Benefits Division] says there's nothing we can do about this, then the teachers and school employees across the state are going to be looking at other options," she said. "Looking at other jobs, maybe."

Smith, an art, Spanish and journalism teacher, drove two hours from Fox to attend Tuesday's meeting. If her schedule allows, she said, she'll do the same when the board convenes again Monday.

Judges uphold discipline of 5-year-old (Arkansas Democrat-Gazette)

Having a dad who's a lawyer might have its perks, but the ability to cuss in school, apparently, isn't one of them. Perhaps closing the book on a year-long lawsuit, the state Court of Appeals has upheld the half-day suspension of a 5-year-old boy who dropped f-bombs on the playground of a Northwest Arkansas school last year.

And the punishment can remain on J.S.'s permanent record, the judges decided, in a ruling that doesn't mention the child's full name.

Citing schools' power to discipline "any pupil who disobeys a reasonable rule or regulation," the court said in an opinion delivered Wednesday that Northside Elementary School Principal Anita Turner acted appropriately in suspending the boy for repeated incidences of swearing last March. Use of vulgar language constitutes a "major offense" in the Rogers School District disciplinary policy, according to district communications director Ashley Kelley Siwec. The offense falls in the same category as arson, bomb and terroristic threats and bullying, the minimum punishment for all of which is a one-day suspension, she said.

Siwec says the legal battle cost the school district \$5,000.

“We have not seen a challenge like that before, in our recollection,” she said in a phone interview Wednesday. “We cannot recollect anyone in recent history that has pursued this at the court level.”

The boy’s father, attorney Ken Swindle, filed the lawsuit in March of last year after Turner suspended his son for using the “f-word” around classmates. According to court documents, the school had warned the boy not to use vulgarities on two previous occasions. The first was met with a verbal warning, while the second was addressed with a letter to be signed by the boy’s parents. Upon the third incidence, Turner called Swindle and told him his son would be suspended for the remainder of the school day. She told Swindle to pick up the boy from school.

Swindle refused. Instead, he filed a complaint with the Benton County Circuit Court that same afternoon.

The 5-year-old ended up serving his suspension in the principal’s office, a punishment the Rogers School Board later upheld in a hearing. Swindle amended his complaint after the hearing and asked the Circuit Court to order that the board delete any reference to the suspension from his son’s file. He asked that the board be prohibited “from suspending five-year-old children without adult intervention,” according to court documents.

The court dismissed Swindle’s complaint, so he appealed.

In Wednesday’s ruling, Judge Rhonda K. Wood implied that the board’s decision to uphold the suspension did not constitute an abuse of power, and therefore the court did not need to intervene. She said school and board officials acted in accordance with the district’s disciplinary policy, which also forbids insubordination.

“Clearly, [the boy] refused to modify his language, and more severe consequences for his repeated cussing and insubordination were appropriate,” the ruling said. “It was reasonable for the Board to enforce this established policy and suspend J.S., especially when J.S. had been warned, twice, that using the ‘F-word’ was inappropriate.”

The court went on to dismiss Swindle’s request that his boy’s suspension be struck from his school records.

“Swindle’s request for relief - that the school remove any reference to J.S.’s suspension and never suspend him again - lacks foundation in any source of law.”

Repeated calls to Swindle for comment were not returned Wednesday.

2 LR Schools Placed On Probation (CW-TV)

LITTLE ROCK, AR-- Two Little Rock Schools have been placed on probation by the State Education Department. The status affects Hall High and McClellan High.

A statement to parents on the district's site says Hall was placed on probation for not offering a Physics course. Even though no one registered for the class, schools must enroll students to meet standards.

McClellan was placed on probation because the school had some 2012 graduates who did not have all 22 credits to graduate, plus one teacher didn't have proper certification to teach journalism.

Victoria Booker is worried about her daughter's education and hopes the probation will force leaders to become better.

"I hope it helps," said Booker.

LRSB released the following statement Wednesday afternoon:

"We acknowledge those issues occurred and we have taken the steps necessary to correct them. The District has also established a protocol to prevent those issues from occurring again and will closely monitor the two schools over the next two years in order to maintain compliance, redoubling our efforts to meet standards with the goal of pursuing excellence in education. Additional information regarding this action may be obtained from the Arkansas Department of Education. "

As a result, both campuses must meet all standards for accreditation within no more than two consecutive years to keep its accreditation and avoid possible sanctions for the school and district.

Accusations of ex-students lies, man says (nwaonline.com)

GREENWOOD - Former Lavaca Middle School teacher Jack James testified at his trial Wednesday that accusations by his former eighth-grade students and others that he urged them to expose themselves to him are lies.

James, 52, of Lavaca denied all the allegations that led the state to file felony charges in Sebastian County Circuit Court of second-degree sexual assault and three counts of sexual indecency with a child. He also denied the accusations in three misdemeanor counts of attempted sexual indecency with a child and harassment that he is appealing to circuit court.

James, who also is a Lavaca alderman, was convicted on the misdemeanor charges in a bench trial in Greenwood District Court in the fall. He said at the time that he was innocent and would not contest those charges and that he wanted to appeal the charges before a jury.

In the trial that began Monday before a jury of six women, six men and two male alternates, prosecutors called James' former students, parents, school officials and Arkansas State Police investigators to testify. The prosecution rested its case Wednesday morning, and James's attorney, Michael Harry of Greenwood, called James and four other witnesses before resting James' case Wednesday afternoon.

Circuit Judge Stephen Tabor sent jurors home about 4 p.m., telling them to return at 9 a.m. today for instructions, closing arguments and jury deliberations.

The state also presented evidence during the trial that James was present for a “race” some of the boys had at James’ home during an overnight stay in the summer of 2006 or 2007 to see who could masturbate and ejaculate the fastest.

That activity was not connected with charges in the case but was presented to jurors to show James’ propensity for pedophile activity, deputy prosecutor Aaron Jennen said.

James testified he didn’t know about the “race” until officials began investigating the allegations against him last year. His sons, Jacob and Josh James, and their friend Zachary McAnally, all 20, testified Wednesday that two boys participated in the game while another watched but that Jack James was not present.

They said they were playing video games in the bedroom and discovered the race in the James living room when they went to get refreshments from the kitchen. James’ sons said they didn’t think the race was serious enough to tell their father about until last year when the allegations against James began to emerge.

Prosecutors called Tyler Teague, 20, of Lavaca as a rebuttal witness who testified he participated in the race and that James sat in his recliner in the living room and watched.

The James brothers and McAnally had testified that Teague was in the house that night but he was in their bedroom with them and did not witness the race.

On the sexual-assault charge, James was accused of grabbing the genitals through the pants of a boy who was a passenger in his van. James testified Wednesday that the boy had reached down into his pants and began masturbating and that James slapped at his arm and told him to stop. He denied grabbing the boy’s genitals.

In the charges of sexual indecency with a child, the state accused James of asking minor male students to expose themselves, and they complied. In the charges of attempted sexual indecency with a child, the boys refused.

The harassment charge accused James of constantly making sexually charged remarks to a student, including telling him about sexual fantasies he had about him, to the point the student transferred to another school.

At the start of his testimony Wednesday, James said he had been voted Citizen of the Year three times in Lavaca, and Lavaca Middle School students voted him favorite male teacher several times during his 23 years in the school system. The last time he received the honor was last year.

He said that in mid-May 2012, he received a call from acting Principal Chris Watson to return to school. He said he had been out with an injured back.

When he arrived at school on crutches, he said, he was told to turn in his keys and to stay home the rest of the year. He said he received no explanation.

He said he called a couple of fellow teachers, who also would not talk to him. He finally learned the reason for his dismissal when he was interviewed by an Arkansas State Police investigator, he said.

Court resumes at 9 a.m. today.