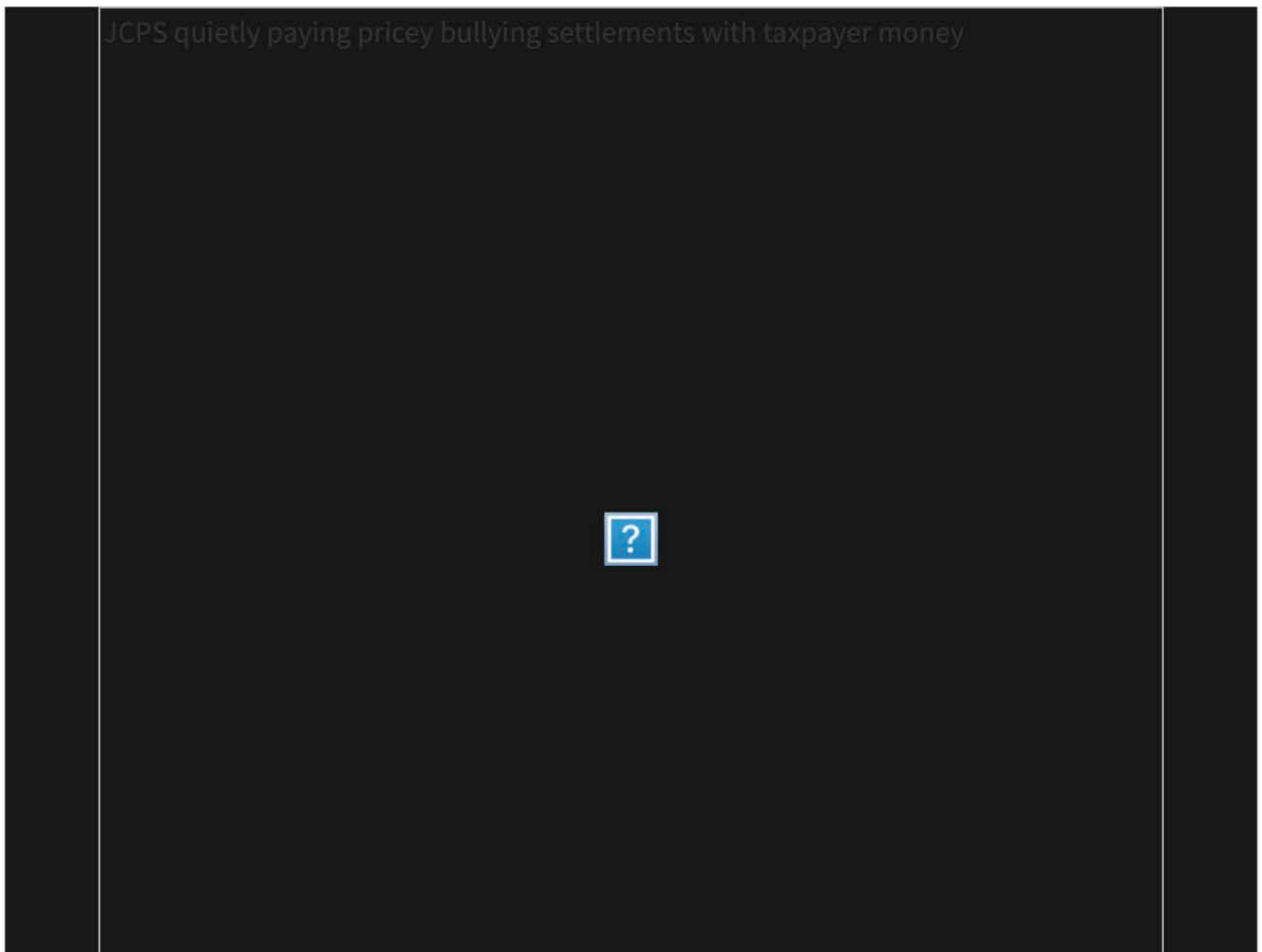
JCPS quietly paying pricey bullying settlements with taxpayer money

May 31, 2018



WEATHER FORECAST



Marc Weinberg's Tuesday night forecast

LOUISVILLE, Ky. (WDRB) -- Jefferson County Public Schools quietly pays out hundreds of thousands of dollars in settlements to children who were tormented and attacked in Louisville schools, and taxpayers cover the cost.

The so-called bullying bills are cloaked in civil court files under confidentiality clauses along with a fear from the people who get them: talk and you'll lose your money.

“This is crap! JCPS needs to change,” 21-year-old Natalie Scott said. “I want to say to the school system: wake up.”

Scott received one of those confidential settlements after being attacked at the age of 16 at Moore Traditional School. She said she was jumped three days into her sophomore year in 2013 after a fallout with a student who was so rowdy during world history class she couldn’t hear the teacher.

"She said, 'I can kick your ass right now.' She was like, ‘Do you want to f--- with me?’" Scott said. "I said no. I was the new kid.”

Nothing happened to the other student at the time of the outburst. The teacher allowed Scott to leave a few minutes early to get to her next class, but it didn’t stop a confrontation at the end of the school day.

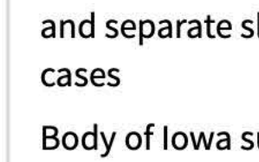
“I didn't know she was behind me, and she took me by the hair, got on top of me and just started beating me,” Scott said. “I got into the fetal position, pretty much, and I was just sitting there, screaming and crying.”

Documents WDRB obtained from court files said an unknown football player broke up the attack. Medical reports also in those records said Scott tore the meniscus in her knee and suffered head, neck, ankle and wrist injuries. The attacker was suspended 10 days by JCPS and spent it bragging to friends on Twitter.

“Of course I whopped her ass,” one post said. “She didn’t know when to STFU lol.”

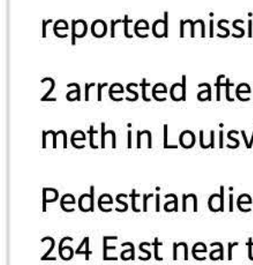
It made the return to school a nightmare, and Scott only lasted a few more days at Moore.

“I got a death threat in my locker,” Scott said. “Somebody had wrote when she comes back she has a knife, and she's going to kill you.”



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Scott transferred to Jeffersontown High School and sued JCPS, saying the school district didn't do enough to protect her. She asked for $2,500 for medical costs and $25,000 for pain and suffering, according to the court records. Again, the final settlement amount was kept silent in civil court due to a confidentiality clause and the fact that Scott was over the age of 18 when the case reached disposition.

The age at the time of a civil court settlement with JCPS becomes an important factor. If someone under the age of 18 receives the money, even if the agreement includes a confidentiality clause, the parent or guardian must open a very public record in probate court saying how much the child received and where the money is being held. WDRB spent weeks in the probate court clerk's office in the Hall of Justice uncovering those records. These documents unlock the bullying bill.

Probate court documents show JCPS paid $60,000 to a Somalian child found hanging in a bathroom stall at Frayser Elementary School. Attorney Teddy Gordon said two kids lifted him on the hook.

"Oh yes, if they hadn't rescued him when it happened, he would have died," Gordon said.

The district paid $50,000 to a former male cheerleader tormented at Thomas Jefferson Middle School. The student cried and clung to his mother in a 2012 press conference. Identifying himself only as B.B. Gordon said the attacks were "merciless." Students wrote "fag" on his shoes.

"I have been bullied and harassed a long (time)." B.B. said.

Another $50,000 payment was made to a child who suffered a broken leg at Schaffner Traditional Elementary School. Court records said a bully tackled him on the playground.

Court documents show a special needs student suffering with hydrocephalus who had tubes in her head was paid $21,000 by the school system after being thrown into a wall at Kammerer Middle School.

The WDRB investigation uncovered at least $400,000 paid to JCPS students for bullying and assault claims in the past three years. Gordon said that's a fraction of the cost. There are many more bullying and assault cases. He's brought most of them in recent years against JCPS.

"When they come in to see us, it is pure horror," Gordon said. "These children are so traumatized. This should not happen in a public school."

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POLL

Gordon said the school system almost always settles, typically within three or four years. All the while, the school district's outside counsel also racks up bills for its legal defense.

Through open records requests, WDRB learned that JCPS paid Wyatt Tarrant and Combs $1.1 million since 2015. JCPS spokesman Alison Martin said the school system could not immediately clarify how much of the bills were spent on bullying cases.

“Without a doubt, it impacts our budget,” JCPS Superintendent Marty Pollio said. “Taxpayers pay everything we do in this district.”

But when asked why the settlements are not made public if it’s the taxpayer money paying them, Pollio could not answer.

“I'm not sure," he said. "I have to look into the specifics on that."

The Jefferson County Board of Education must approve all settlements valued at more than $100,000. Pollio said it’s happened twice this school year, and both cases involved students assaults. The issues are never discussed in open session.

The money comes from JCPS bank accounts unless it's more than $500,000, in which case insurance pays, and ultimately that falls back on the taxpayer too through increased premiums. Between 2012 and 2018, JCPS’ premium with Underwriters Safety & Claims for student accident insurance increased from $396,000 to $568,000.

“There was an increase in premiums because we increased our coverage to include all school-affiliated clubs, activities and sports,” Martin said.

The biggest bill may be yet to come.

Six parents from Crosby Middle School joined together in a federal lawsuit against JCPS, going after former Superintendent Donna Hargens and certain staff from the school. Gordon said the outcome could set precedent, as it's the first bullying case in the country filed in federal court for deprivation of civil rights for failing to provide a safe learning environment.

"He was intimidated, humiliated," said Kim Seewer, whose child attended the school in the sixth grade. "He threw up and cried and begged not to go to school."

WDRB obtained video showing fights in the hallway and bathroom at Crosby. The school was overcrowded with more than 1,000 students enrolled up until this school year.

"It got bad," said Bethany Littlefield, a former Crosby Middle School parent. "He attempted to end his pain the only way he knew how, and I had to put him in Our Lady of Peace."

Both parents spoke to WDRB in 2016 at the time the case was filed.

JCPS officials denied or delayed repeated requests from WDRB to provide settlement documentation. WDRB had attorneys review the district's responses. They said JCPS' actions contradict Kentucky's Open Records Act. Pollio said the district does not lack transparency.

"I don't think we're withholding it from the public," he said. "I think there's a great deal of privacy in this."

He said, at times, it's the victims themselves who want confidentiality and seemed open to striking a

He said, at times, it's the victims themselves who want confidentiality and seemed open to striking a balance between that confidentiality and the public's right to know.

"It's a valid question I will definitely explore," he said. "I can't say the specifics on what can and can't be released … at least discussing the amount of the settlement, I don't disagree with you. I will have to look in legally and see what we can do on that."

Most of the settlements WDRB uncovered were made prior to Pollio's administration.

After taking the reins in JCPS last summer, Pollio told all principals they must improve the climate and culture in their schools. It's drawing praise from even the harshest JCPS critics. Gordon hasn't filed a bullying case all year.

"I communicate with (principals) very clearly my expectation, and it's the same thing I did when I was a principal," Pollio said. "If there's a problem in a school, we proactively address that and make sure our students feel safe and supported."

Interestingly enough, Pollio was the principal when Natalie Scott ended up enrolled in Jeffersontown High School in 2013.

"(Pollio) was the first person I talked to, and he just made me know I was going to be OK," Scott said.

She said it took a year to get over the attack at Moore, and she even started going by a different name, Allie, when she changed schools for a fresh start.