

## Employee Retaliation Another Case Study

Since our *Advantage* article on employee retaliation (Summer 2004), another teacher filed a lawsuit against school administrators alleging retaliation. The Massachusetts high school teacher claimed his superintendent and principal wrongfully removed him from teaching a popular current events class. He asserted that the action was retaliatory because it followed a protest he made against an administration order to stop using photographs of human rights violations as part of a class assignment. The lawsuit was filed against the school superintendent and the principal in U.S. District Court in Boston in August 2004, with the



aid of the American Civil Liberties Union.

The students were assigned to research CNN and MSNBC website photographs depicting alleged violations by American soldiers against Iraqi prisoners and to write a description of those pictures. In defense of his classroom assignment, the teacher argued that he warned the students that the pictures were graphic and some contained nudity; the students were told they could elect to receive an alternative assignment, but none requested it.

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## Students Who Bully Shocking Statistics

In a two-part article on school violence in *Advantage* (Spring and Summer 2003), we discussed the problem of school bullies. Recent findings indicate that the effects of bullying don't terminate with the end of school.

A study by Fight Crime: Invest in Kids – an organization of more than 2,000 law enforcement officers and victims of violence – documents how bullying can create loneliness in victims, sometimes severe enough to cause clinical depression and even suicide. Victims of bullying are five times more likely to be depressed, and they are much more likely to be suicidal than persons who weren't bullied as students, the study says.



Surprisingly, in many cases, the bullies themselves become victims, but that may not become evident until later in life when

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# ADVANTAGE

## Employee Retaliation, cont'd from page 1

The school authorities removed the teacher, who has been teaching for twenty-five years, from the current events class following complaints from two parents. One of the complaints centered on nudity in some of the photographs; the other parent complained that the pictures taken of Americans abusing Iraqis in Abu Ghraib prison in Iraq were unpatriotic.

Although the teacher was assigned to teach other history classes at the high school this year, he was not given the assignment to teach the current events class. As a result of his class reassignment, the teacher alleged in his suit that school authorities exercised censorship, violated precedents that protect academic freedom, and violated his right of free speech – a right guaranteed by the First Amendment of the U.S. Constitution.

The school principal denied any wrongdoing or retaliation. What we did “has been made in the best interests of the school and doesn’t in any way constitute disciplinary action or reprisal of any kind,” he stated. The teacher’s attorney had a different take on the situation. “When teachers are punished for having given appropriate assignments on controversial subjects, there is a chilling effect on all teachers who learn to be cautious and timid.”

After receiving a complaint from a parent in May, the principal ordered the teacher to stop assigning work involving the photographs, which he did for a while, under protest. The teacher then contacted the ACLU, which notified the school administrators that the school was violating the teacher’s rights. The principal then retracted the ban, and the teacher assumed that the restriction was removed and he would be allowed to continue with the course in the fall of 2004. However, in June he learned that he wouldn’t be teaching the current events class in the forthcoming year. His department head

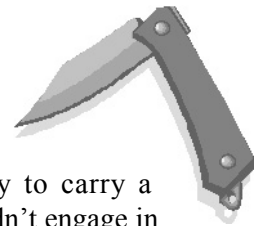
explained that there was “more fallout” from the prisoner abuse photographs. The teacher asked the federal court to direct the school to reassign him to teach the class, which is normally taken by juniors and seniors.

Just before Labor Day, the town’s school committee reversed the administration’s decision and reassigned the teacher to the current events class that he has been teaching since 2000, thus settling the lawsuit amicably. The school committee also agreed to pay the teacher’s attorney fees. The school committee said it was not aware of the issue until the teacher filed the lawsuit in August. According to the chairman of the school committee, “most of the controversy was the result of a misunderstanding and misinformation about what was actually going on inside the class.... As long as teachers recognize that students might not see things as they do and allow them to take a different assignment, that’s appropriate.”

As we stated in the summer issue of this newsletter, schools need to have in place a proactive program to avoid retaliation actions. This includes rules, guidelines, a well thought-out training program for administrators, and an internal investigative and review panel.



***There may be a fine line between curricula guidelines and a teacher’s right of freedom of speech.***



Students Who Bully, cont'd from page 1

they, like their classmate victims, develop behavioral and emotional problems.



The Fight Crime study points to the increased risk of crime and violence amongst bullies. Nearly 60 percent of the boys classified as bullies in grades 6 through 9 had a criminal record by the time they were 24; and 40 percent had three or more convictions by age 24, according to the report.

Fight Crime reports that there are an estimated 3.7 million bullies each year in grades 6 through 10, and 3.2 million victims; that is, one in six children are victims of bullying each school year. Fight Crime's report was released late last summer. A child safety promotional group, Combative Disciplines of Ballwin, Missouri, claims that 80 percent of school age children incur bullying to some degree at some time in their school experience.

**In a single school year, a child has one chance in six that he or she will be the victim of one or more bullies.**

According to an article in the *Archives of Pediatrics & Adolescent Medicine* (April, 2003), bullies and their victims are both likely to carry weapons to school. A 1998 study reported in the journal said that an estimated 2.7 million students had carried a weapon within a 30-day period. Nearly 2 million of the children had the weapon with them when they went

to school. Students who were bullied weekly in school were 60 percent more likely to carry a weapon to school than students who weren't bullied. And they were 70 percent more likely to engage in frequent fighting and 30 percent more likely to be injured. The study indicated that the highest risk was for the bullies. These perpetrators



were five times more likely to carry a weapon than children who didn't engage in violence. The estimated figures are statistical projections based on the study of more than 15,000 students in grades 6 through 10.

Many troubled students have multiple problems; actually, most do. But the school may be treating or be equipped to treat only one of those problems. Experts claim that a single focus doesn't work; and it won't solve tendencies to commit violence unless all of the student's problems are addressed. Resources, typically within the community, may and often do exist. The school doesn't have to do it alone.

Even at Columbine High School (Littleton, Colorado) where two boys killed 12 of their classmates, one teacher, and themselves in 1999 (*Advantage*, Spring 2003), bullying is back, though more subdued than in 1999. The difference between 1999 and today is that discipline is far more certain for even minor infractions of school rules, and "ratting" on friends for violating school codes is acceptable and more prevalent. However, *Newsweek* (11/3/03) reported that 4 of the school's 5 counselors argue that bullying wasn't the cause of the massacre. Nevertheless, the administration there doesn't tolerate misbehavior, and the kids reportedly love going to school at Columbine.

The school no longer celebrates only their state championship football team. All groups are now presented in assemblies. We think this is so important that we provide here a modified version of our advice first given in the Summer 2003 issue of *Advantage*.

*All students should be recognized for their accomplishments, not only those who excel at academics, sports, or other high-visibility*

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# ADVANTAGE

## Teachers At **RISK**

Teachers, administrators, school bus drivers, hall monitors, tutors, and other employees are at risk from violent-prone students. The teacher fatality at Columbine High School in 1999 was neither the first nor the last attack against a school faculty member or other employee of a school system. Whether in a public or private school system, teachers and other school personnel are increasingly being confronted with rude, unruly, and sometimes violent students.

Many of these students have troubled lives. Families are split or too engaged in making ends meet or in their careers to engage their children in values, discipline, or learning. Many adults in the home environment are poor role models, and they themselves may exhibit violent behavior. Add to this environment drug or alcohol abuse, peer pressure, teen pregnancy, student job pressures, TV and other violent entertainment, and other everyday stresses, and it is no wonder the students sometimes come to

school full of anger or on the edge of committing an act of violence. Many such students also have learning disabilities or emotional problems; and many students have behavior disorders or are simply apathetic, lack motivation, or are anti-social.

**Students who act up in school are likely to be seeking attention, something they may not be getting at home. When challenged by a school administrator or teacher, they may react with violence. Role playing classes for school employees may be an idea worth pursuing.**

Teachers are increasingly asking for assistance in dealing with such youngsters. Classroom management is faltering in many schools. Some schools take the problem seriously while others in effect ignore all but the most egregious cases.

According to a report from the National Center for Education Statistics for the 1999-2000 school year, 11 percent of urban teachers and 5 percent of suburban-rural teachers were threatened with injury. Actual



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### Students Who Bully, cont'd from page 4

*student activities. The behavioral sciences have long demonstrated the benefits of positive reinforcement for desired behavior. Most students, however, don't excel in traditional areas; yet they also need to build self-esteem. Students should be given recognition for their participation in clubs, intramural sports, community activities, local choirs, volunteer work, and part-time jobs.*

*Students shouldn't be rewarded for bad behavior. Media coverage of socially undesirable acts shouldn't glorify the event. It is important that unacceptable behavior not be publicized without emphasizing the harm and the punishment. Other students need to know that a zero tolerance policy is being enforced.*



# MOLD

## Restoration Work

Using a few ordinary fans and a dehumidifier to dry out a wet indoor environment may be okay in some circumstances. But when there is a lot of moisture in the affected rooms, that procedure may take too long to prevent the buildup of mold. And we all know that mold can lead to serious property damage and health effects (*Advantage*, Summer, 2003). According to the Insurance Information Institute, U.S. insurers paid \$3 billion in mold-related claims in 2002, up 50 percent over 2001.

There are an estimated 16,000 water-damage-restoration companies, including franchises, in the U.S., yet there are no universal restoration

Multiple high-powered fans in conjunction with several dehumidifiers are very efficient; the fans get water out of carpets, walls, floors, and furniture and into the air where the dehumidifiers can capture the moisture and collect it. Advanced remediation firms use water vapor instruments, e.g., those that measure relative humidity and vapor pressure, to determine if the drying is proceeding at an optimum rate. These firms often apply heat to speed the drying process. Scientific practices can cut drying time in half, or better, thus reducing the opportunity for mold to form and propagate.

If you find a need to employ a restoration firm, ask them if their technicians have attended a drying school. Ask them if they use vapor measurements as part of their drying process. Have them provide you with an estimated drying time and request references. After all, it is your property that is at risk, and time is of the essence.

## Closure of Classrooms

School officials in one town west of Boston closed ten elementary classrooms in two school facilities last year when air quality deteriorated due to mold. During a routine summer cleaning of the schools, mold was discovered growing in carpeting. When professional cleaning removed the visible fungus in the carpet, but not the mold in the air, air quality tests were ordered and additional cleaning of the classrooms was instituted. Admirably, during the process of removing the mold, the town kept the school district and parents informed by posting progress reports on the school's website.

At least eighteen other towns in Eastern Massachusetts and fifty across the state had like experiences in 2003. Similar problems have

**The best way to prevent mold from developing in wet areas is to rapidly dry the affected zone. Once mold begins to grow, restoration becomes much more expensive. Scientific methods have expedited the drying process.**

standards. But some "best practices" are evolving, and more technicians are going to remediation/restoration school each year to learn better and quicker ways of drying water-drenched interiors.

Methods such as drilling holes in walls to air out internal spaces (as mentioned in our previous article) work well in some circumstances, but they may be too slow in other situations. Industrial water extraction equipment works quickly in most circumstances to reduce the water load and shorten the drying period, especially on carpets and floors.

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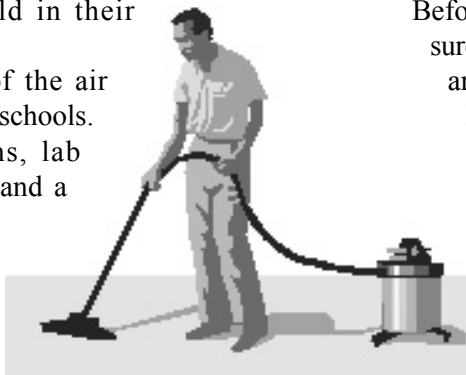
## in Schools

occurred in 2004. Private institutions face similar mold-related problems. The culprit has been high temperatures, high humidity, and a lot of rain, especially in August. In some cases, the advent of mold could be blamed solely on a wet summer. In other cases, leaking pipes contributed to the damage. Carpets shampooed in July but not properly dried were found moldy in August. Proper drying after shampooing is very important, especially if the weather is damp for an extended period of time.

The typical cost of disinfecting a damaged school ranges from \$100,000 to more than \$500,000, but can be much higher. In some cases, the start of the school year has been delayed up to two weeks as crews cleaned up the green, white, black, and brown fungi masses. Replacement costs were incurred as well – for example, desks, chairs, books, and computers had to be replaced in some buildings.

In Connecticut, Rhode Island and northern New England, many towns had a problem with mold in 2003 and 2004. In a single southern Conn. community, five school buildings had to be remediated. In another Conn. community, a school was closed for three years; it cost \$26 million to remediate the facility. In Ohio and Illinois teachers have filed lawsuits over mold in their schools.

Mold is but one of the air pollutants affecting schools. Cleaning solutions, lab fumes, mites, CO, and a host of gases, vapors, dusts, and organisms permeate many schools. The



Government Accounting Office has estimated that 20 percent of the nations' schools have indoor air-quality problems, many of them due to mold. In 1999 the U.S. Dept. of Education's National Center for Educational Statistics said that 43 percent of U.S. schools had at least one indoor air-quality problem in the preceding year.

Part of the problem are the new construction methods adopted by architects over the past two decades. At one time plaster walls and ceilings and tile floors were commonplace. Today, architects order softer materials – they look better and absorb sounds – such as drywall, drop ceilings, and carpeting. These materials are more conducive to

**Remediation of mold-damaged areas can be very expensive. Prevention is the best tool for treating mold. Make sure your maintenance and cleaning staffs and your contractors are trained in moisture and mold prevention.**

the growth of mold.

Before hiring a testing or remediation firm, be sure their reputation is solid. One contractor was arrested for fraud this summer in Connecticut.

He allegedly created false lab reports to acquire school remediation work that was unnecessary.

## Teachers At Risk, cont'd from page 5

injuries were incurred by 5 percent of the urban teachers and 3 percent of the suburban-rural teachers. Experts believe that reports of assaults on teachers may be severely under-reported for a variety of reasons, including embarrassment and fear of job loss. In some instances, teachers may report an assault to their supervisor, but that administrator may carry the report no further – for reasons of embarrassment, unwillingness to be combative with parents or senior administrators, feelings of personal failure, or lack of knowledge of what action to take.



Student violence raises the cost of running a school. There is lost time among the faculty, higher turnover of personnel, added workers' compensation costs, property damage, and increased insurance costs, to name a few. Among the suggestions we offer for improvement are increased training and awareness, firm rules and unwavering discipline, and better communications among all concerned parties, including parents and local law enforcement.

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