



Office of Senate President Pro Tempore Del Marsh
Press Clips
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- [In center of Alabama education budget, a Core dilemma \(Montgomery Advertiser\)](#)
- [Education budget would block expansion of Common Core in Alabama schools \(al.com\)](#)
- [Bill would lift Alabama Accountability Act tax credit cap \(Montgomery Advertiser\)](#)
- [Legislation that would change criteria used to lay off teachers hotly debated \(Montgomery Advertiser\)](#)
- [Ala. senator seeks Common Core opt out for schools \(AP\)](#)
- [Huntsville school board urges local lawmakers to support Common Core \(al.com\)](#)
- [Seeking the highest bidder: Birmingham Water Works ramps efforts to cut ties to surrounding counties, sell assets in race against Legislature \(al.com\)](#)
- [State budgets: 8 things to know \(Decatur Daily\)](#)
- [Hundreds rally in support of marijuana-derived CBD oil medication for seizures \(al.com\)](#)
- [Legislation targets payday and title loan industry rates \(Dothan Eagle\)](#)
- [Orr bills would consolidate 2 state agencies \(Decatur Daily\)](#)
- [Abortion bills in House this week \(TimesDaily\)](#)
- [Length of service valued over good job performance among state employees \(Opinion from Cameron Smith\)](#)
- [Former state Sen. Tommy Ed Roberts dies at Hartselle home; funeral services Monday \(al.com\)](#)
- [Competing Claims: Liability insurance program for teachers becomes political football \(Anniston Star\)](#)
- [Democrat Engle drops out of District 35 House race \(Anniston Star\)](#)
- [Former inmates recount incidents of sexual misconduct at Tutwiler \(AP\)](#)

- [Troubles at Women's Prison Test Alabama \(New York Times\)](#)
- [Defense budget cuts could threaten growth at Austal \(al.com\)](#)
- [Good news for Airbus means good news for Alabama jobs \(Yellowhammer News\)](#)
- [Long waits frustrate callers to health exchanges \(AP\)](#)
- ['Mommy lobby' emerges as a powerful advocate for medical marijuana for children](#)

In center of Alabama education budget, a Core dilemma (Montgomery Advertiser)

Fixed near the middle of the 61-page Education Trust Fund budget bill are seven lines that, on first glance, appear to bring the Alabama College and Career Ready Standards, based on the national Common Core, to a halt.

"The funds appropriated above shall not be used to implement standards, programs, or student assessments created by the Common Core State Standards after April 1, 2013," says the sentence, tacked at the end of funding for the Alabama State Department of Education.

What those seven lines actually do is a matter of debate. Some lawmakers Thursday described it as a chance to evaluate the standards before standards on other subjects, such as social studies and science, are implemented.

But according to its website and interviews with educators, Common Core is strictly limited to math and language arts, and the Alabama versions of those standards have already been implemented.

The ALSDE has adopted social studies standards, but Michael Sibley, a spokesman for the department, said Friday those were developed separately from Common Core. Other groups are developing national standards for subjects such as science, unrelated to the Common Core.

However, there's no arguing the standards have proven uncommonly divisive in the state's Republican coalition. Tea party groups have claimed the standards, developed by the National Governors' Association, give the federal government control over curricula at the expense of local control.

Sen. Scott Beason, R-Gardendale, has introduced a bill to repeal the standards, saying Friday they were part of a "national, centralized effort" at undermining education. A draft bill making the rounds would allow local schools boards an "opt out" from the standards.

"I think it's trying to hit bouncing rubber balls with a dart," Beason said. "You know what you're trying to stop, but the target keeps moving, keeps changing."

'A budget attempting to set education policy in our state'

The Alabama State Department of Education has strongly rejected any suggestion that the federal government was involved in development of the standards, and says the department and Alabama educators have had full control over the development of the state's College and Career Ready Standards.

"I do not support a budget attempting to set education policy in our state, as that role belongs to the State Board of Education upon recommendation from those who are experts in their respective disciplines," State Superintendent Tommy Bice said in a statement Friday.

Business groups have largely sided with the ALSDE. In a letter sent to senators Thursday, the Business Council of Alabama and Montgomery Area Chamber of Commerce, among other groups, said the current standards would prepare the state's students for the world.

"Repealing these standards would damage our schools, our teachers and our students that are already two years into implementation of our standards, and it would certainly damage our economic development efforts in attracting companies who value an educated workforce," the letter said. "The elimination or dumbing down of standards is a disservice to them."

Pittman Thursday described the language as a chance to take a breather on the debate and assess the impact of the standards.

"At this time there's no other standards, just the Math and English standards that have become part of (the) College and Career Ready (Standards)," he said. "That says we're not going to expand it. Let's make sure it's working."

Beason said Friday he had spoken with Pittman about the measure, saying it was "reflective of what we're trying to work on as a compromise in the Senate.

Education groups uneasy with wording

Education groups Friday were uneasy with the language. Eric Mackey, director of School Superintendents of Alabama, said on curriculum, the language would make little difference because Common Core does not go beyond math and language arts. But with 46 states signed on to some variation on the Common Core, Mackey said the language could hamstring continuing education for teachers and acquisition of teaching materials, such as textbooks.

“Even in the four states that have not adapted the Core standard, they’re using the Core textbooks because that’s what companies have done,” he said. “You can’t go out and buy textbooks that aren’t aligned to the Core. It would put the state at a significant disadvantage, because I’m not sure you can find vendors to work with.”

Sally Howell, the executive director of the Alabama Association of School boards, said Friday it was unclear what effect the language would have.

“If the Legislature is going to be making curriculum decisions, then it should do so expressly through statutes,” she said. “However, we believe these decisions are most appropriately made by the State Board of Education.”

The language — and the Education Trust Fund budget — still needs approval by the House of Representatives. A public hearing on the ETF could take place Wednesday. House Ways and Means Education committee chairman Bill Poole, R-Tuscaloosa, said Friday he was “aware” of the Senate language and would speak with his committee members on the topic.

“At end of the day, I think the Legislature has the ability to address curriculum and other policy issues,” he said. “But I think that’s the purpose of the State Board (of Education), and I think as a general matter we should respect the state board’s authority over that subject.”

House Speaker Mike Hubbard, R-Auburn, said Friday he thought the language in the ETF was a good compromise.

“I still contend that the state school board is the elected body for curriculum,” he said. “I do believe they’ve made great strides to undo Alabama from the Common Core standard.”

[Education budget would block expansion of Common Core in Alabama schools \(al.com\)](#)

MONTGOMERY, Alabama --- The education budget approved by the Alabama Senate on Thursday would prohibit K-12 public schools from expanding their use of Common Core curriculum standards.

The Common Core standards, part of Alabama’s College- and Career-Ready standards, apply only to math and English. Most states use the standards.

The education budget bill says schools will not use Common Core in any other subjects when those standards are written.

"There's been a lot of concern about that issue and I think it is time to take a deep breath," said Sen. Trip Pittman, chairman of the education budget committee. "Let's see where we are. At this point there's no other standards, there only are the math and English standards that have become part of the college and career ready.

"Let's get our hands around what we're doing. Let's make sure it's working and we're committed to them."

State School Superintendent Tommy Bice told the Decatur Daily he opposed the restriction on Common Core.

"I do not support a budget attempting to set education policy in our state, as that role belongs to the state Board of Education upon recommendation from those who are experts in their respective disciplines," Bice said.

Bice staunchly defends Alabama's use of the Common Core, as have many other education and business leaders.

Common Core opponents make several arguments, including that the state loses some autonomy over setting standards and that states use the Common Core as a way to attract federal and private grants.

The Obama administration made the Common Core a factor in which states would receive federal Race to the Top grants. Alabama applied twice for the grants but did not receive them.

The budget bill is far from finished. It still must pass the House, which is certain to make changes that will have to be reconciled by a conference committee. Then it would go to the governor for his approval.

Sen. Scott Beason, R-Gardendale, has introduced a bill to repeal Alabama's use of Common Core until 2017.

Senate President Pro Tempore Del Marsh, R-Anniston, opposes bringing Common Core repeal legislation to the Senate floor this session.

Bill would lift Alabama Accountability Act tax credit cap (Montgomery Advertiser)

The Alabama Accountability Act, whose passage and provisions engulfed lawmakers last year, is back for the stretch run of the 2014 legislative session.

Rep. Chad Fincher, R-Semmes, filed a bill Thursday that, among other provisions, would lift the current \$7,500 cap on tax credits that individual donors can claim for donations to scholarship granting organizations (SGOs) set up under the AAA. The SGOs are aimed at extending scholarships to students in schools designated as failing under the Accountability Act, to help them with the financial costs of attending private schools.

Fincher, whose 2013 school flexibility bill became the AAA after a controversial expansion in a conference committee, did not return a message seeking comment Friday afternoon. However, both GOP legislative leaders and the Alabama Education Association, which has been highly critical of the act, said last week removing the cap would make it possible for the super-wealthy to make contributions to SGOs.

"Right now, individuals are limited. Corporations are not," said Senate President Pro Tem Del Marsh, R-Anniston, on Thursday. "There's some high wealth individuals who want to participate in the plan and that's what it's about."

The AAA allows families of students in about 70 schools designated as failing to claim a tax credit worth about \$3,500 to use toward payment of private school tuition. SGOs are aimed at helping students make up the remainder of the cost; first to students in failing schools and after Sept. 15 of each year, to students making 150 percent of the state's median household income, about \$62,000 a year based on 2012 numbers.

The bill would also move the release date for the SGO money from Sept. 15 to May 15.

The bill does not eliminate the \$25 million cap on aggregate tax credits from the Education Trust Fund, a fact both Marsh and House Speaker Mike Hubbard, R-Auburn, were quick to point out.

Hubbard said Friday the bill would "broaden" the base of donors to SGOs, and make the groups less reliant on the contributions of an individual donor or corporation, and their tax liability that year.

"You already have \$25 million cap," he said. "It's not going to change anything as far as the cap. It's going to ensure a more consistent flow of scholarships to kids."

Democrats and education groups have strongly criticized the act, saying it puts public money in private hands and makes it more difficult for failing public schools to obtain the resources needed to fix themselves. The AEA, which has repeatedly sued the state in court over the law, estimates that to claim a \$7,500 credit, an individual would have to make \$350,000 a year — an income just putting that person outside the 1 percent. Lifting that cap, the group said, would allow even wealthier individuals to take advantage.

“It’s just disheartening that the day after the budget passed, a budget that cut (proposed) PEEHIP funding and did not include a pay raise for teachers and a (cost-of-living adjustment) for retirees, that lawmakers’ chief concern is to create a tax credit for wealthier Alabamians for private schools,” said Amy Marlowe, a spokeswoman for AEA.

The Legislative Fiscal Office had not done an analysis of the bill as of Friday evening. Carla Snellgrove, a spokeswoman for the Alabama Department of Revenue, said Friday analysts with the department were still working on the legislation.

Currently, businesses and corporations can claim 100 percent of their contributions on their tax; individuals can claim 50 percent, subject to the \$7,500 cap. The bill would also allow S-corporations, a special type of corporation created through an IRS tax election to keep from being double taxed, to claim credits under the tax.

Passage of the Alabama Accountability Act last year led to shouting matches on the floor of the Senate — and later in the session, divisions in the GOP caucus — but both Hubbard and Marsh said they did not expect the controversy to return.

“The issue that everyone has is the cost to the Education Trust Fund,” Marsh said. “It has no additional cost. It’s still capped at \$25 million.”

Legislation that would change criteria used to lay off teachers hotly debated (Montgomery Advertiser)

Shortly after being named Alabama’s Teacher of Year for the 2009-10 academic year, a Montgomery Public Schools teacher was given a “pink slip.”

The teacher, who has since left the district, was Yung Bui-Kincer, a biology and environmental science teacher at Booker T. Washington Magnet High School. Former MPS board member Charlotte Meadows said because she had only been teaching for two years, the school had no choice but to let her know she might be laid off.

Meadows spoke at a public hearing last Wednesday to support legislation that would no longer allow school boards in Alabama to use seniority as the primary factor in determining which teachers to cut when there are budget reductions or drops in student enrollment.

"Everyone hired before her would have had a lawsuit against us," Meadows said.

The controversial bill, which is being sponsored by Rep. Ed Henry, R-Hartselle, drew a crowd that filled the room where the House Education Policy Committee met for the public hearing last week.

School boards currently set policy

Under current law, each school board is required to come up with its own reduction-in-force policy, which outlines how staff members are laid off when there are reductions in funding. The bill would prohibit seniority from being a significant factor in the policy.

If adopted, the new law would require an employee's demonstrated experience to be a primary factor. Demonstrated experience would be based on an annual performance evaluation report under a state or locally adopted evaluation system.

An employees' degree could be considered a factor if it's an advanced degree in the subject the teacher is certified to teach, and salary can't have any bearing on the policy.

"Several systems around the state use nothing but seniority to determine which teachers go and which teachers stay," Henry said. "They don't weigh whether or not that teacher is an effective teacher or how that (layoff) is going to affect the education of those children in that system."

Henry said the purpose of the legislation is to make sure districts keep the most effective teachers, not the most senior. He said in situations where there's a tie, seniority can be a tiebreaker.

Henry said he found 90 of the 137 public school districts' reduction-in-force policies. Of those 90, 30 of them used a method known as "last in, first out" and 17 used seniority as mechanisms for deciding.

Official data on local reduction-in-force policies was not available from the Alabama Department of Education.

Michael Sibley, a spokesman for the state education department, said they don't have a position on the bill. But he said State Superintendent Tommy Bice has a committee in place to determine whether a teacher evaluation system will be considered as part of a school grading system that's being developed.

The school grading system, which would give each school an A, B, C, D, E or F based on state authorized assessments, the achievement gap, college and career readiness and learning gains, is a mandate that came from a bill that passed the state Legislature in 2012.

Henry said once the evaluation system is developed — if it is developed — school boards could use their own method of teacher assessment or use the state's guidelines.

But critics of the bill say the it takes power away from local school boards, and it's based on an evaluation system that doesn't exist yet.

Disagreement on affect on teachers

Fred Fohrell, an attorney for the Alabama Education Association, said the Legislature should hold off on the bill until the state superintendent develops an evaluation system, so that teachers can then better understand how the legislation will affect them.

He also said teachers who teach at low-achieving schools and teachers who teach subjects or grades that don't require standardized tests are concerned because their "growth indicators" might be different from other teachers in their district.

"Some of our best teachers take on some of our most difficult classes," he said. "And sometimes it's difficult to recognize how we compare growth scores."

Tammie McLaughlin, who has taught in public schools in Alabama for 15 years, said under the new system, she likely wouldn't be able to keep her job because her performance is measured against her students' progress. She teaches in a low-income school.

"The fact is we're going to lose some of the best teachers where they're needed most," she said.

But Beth Anne Dunagan, a second-year teacher at Robert E. Lee High School in Montgomery, disagreed. She said if education is the product we're giving, students are the consumers — and the best teachers should get to keep their jobs.

"High quality, effective instruction: that's what we should be placing over seniority," Dunagan said. "Evaluation can be based on more than just state tests and standards. I could present where my students stand to prove effectiveness."

Susie Ellison, a representative from the Council for Leaders in Alabama Schools, said the organization was neutral, but said multiple factors besides test scores should be taken into consideration when determining a teacher evaluation system, which is key to the bill.

She said factors like care, love and encouragement have been proven to reduce the likelihood of absences, reduce suspensions and improve students' grade point averages in certain subjects.

Fohrell said it's important to have a system where teachers are encouraged to take on difficult students.

"There's so much pressure on test scores," Fohrell said. "The best possible teachers might plant the seed, but another teacher might reap the fruit."

Delano Muhammad, a government and economics teacher at Lee, said it's easy for teachers to get "comfortable" in their positions after 10, 15 or 20 years, and they need some inventiveness to improve and develop their lessons.

Richard Franklin, president of the Birmingham American Federation of Teachers for Birmingham City Schools, said the bill concerns a lot of his colleagues because teachers in larger or less affluent schools would be compared to all teachers in the district. He also said the bill doesn't address evaluations or reduction-in-force policies for administrators, who should also be held accountable.

"The bill was kind of shocking when they came up with it," Franklin said. "The reason we're against it is Dr. Bice has not even finished the evaluation system. It doesn't touch administrators. Just teachers."

He also said if local school boards have the authority to take seniority out of their policies on their own, he's not sure why the bill is needed.

"The one thing we do know is until the (teacher evaluation) system is developed, no one will know for sure what will happen," Fohrell said.

The House Education Policy will discuss and possibly vote on the bill at 2 p.m. Wednesday.

Ala. senator seeks Common Core opt out for schools (AP)

MONTGOMERY, Ala. (AP) — A state senator who has sought to repeal the Common Core school standards says he now wants to give local schools system the ability to opt out of them. Republican Sen. Scott Beason of Gardendale said Friday that he is working on legislation that would give systems the ability to choose not to use Common Core. The state school board adopted the standards in 2010.

Beason says locally elected school boards should be able to decide what is right for their students.

Thomas Rains, policy director of the A+ Education Partnership, says it would create chaos to have different school systems across the state using different standards.

Beason previously filed legislation to repeal Common Core, but the bill faces a grim outlook.

Huntsville school board urges local lawmakers to support Common Core (al.com)

The Huntsville school board this afternoon joined Madison City Schools in passing a strongly worded resolution in support of Common Core.

Specifically, the resolution opposes Senate Bill 380, which stands to repeal the national standards within Alabama. Alabama is currently among 45 states that have adopted the Common Core standards.

Sen. Scott Beason, R-Gardendale, has filed a bill to repeal the standards.

The resolution also opposes any future effort to allow local systems to "opt out" or to place a moratorium on the state's adopting additional standards.

The Alabama standards are known as the Alabama College and Career Ready Standards, but contain 100 percent of the Common Core.

The resolution, recommended to the board by Superintendent Casey Wardynski, contends: "Both Senate Bill 380 and the suggested moratorium legislation would undermine the ability of local school systems to prepare public school students for the rigorous curricula and career expectations facing them upon graduation from Alabama public schools."

The resolution urges all state senators, particularly those from Madison County, to oppose such repeal efforts in the Legislature.

[Seeking the highest bidder: Birmingham Water Works ramps efforts to cut ties to surrounding counties, sell assets in race against Legislature \(al.com\)](#)

BIRMINGHAM, Alabama -- Birmingham Water Works Board members today made the first move in selling off its non-Jefferson County holdings - and customers.

The board agreed to spend up to \$58,000 to study its St. Clair County assets in preparation for a sale. The board, on a 3-1 vote, hired Raftelis Financial Consultants to examine the value of the Moody water system.

Board action to sell parts of the system comes at the same time several state bills are pending in the Legislature that would expand the board to include all counties serviced by the utility and take the majority of seats away from Birmingham.

Adding Jefferson, Shelby, St. Clair, Walker and Blount County members to the board would put Birmingham-appointed members in the minority.

With assets in St. Clair, Blount, Walker and Shelby Counties to evaluate, a total price tag for evaluating all non-Jefferson County properties for divesting could run considerably higher than today's approved amount.

The Raftelis study is just part of spending necessary to prep for a possible sale. Underwood said evaluations from bond attorneys and the utility's engineering firm, Arcadis/Malcolm Pirnie are also required.

Meanwhile, any actual sale would occur after the current state legislative session, after any votes on board expansion are cast.

A draft of the Raftelis report is expected to be completed by March 14. A valuation of system assets which is expected to take three to six months, according to a Feb. 17 outline from General Manager Mac Underwood. Meanwhile, there are 11 days left in the legislative session, which could run till April.

Board member Ann Florie was the lone no vote today, calling the study narrow and questioning why the board would contradict its longstanding policy to pursue long-term growth of the system. Board member David Herring was absent.

"I'm just not in agreement that we ought to sell assets of the system," she said. "The long-term plan of this system has always been growth and expansion. I don't know what the urgency is."

Water Works Board Chairman Jackie Robinson and Sherry Lewis countered, saying the study is the result of interest shown by Moody to reclaim its system.

A bill from Rep. Jim McClendon, R-St. Clair County, pending in the Legislature would expand the Birmingham board specifically in the hopes of selling the Moody system back to the city of Moody.

"I don't know of any other way to get what they possibly want other than to have this service done," Lewis said. "You get to have all the facts before you make a decision."

Downsizing the Water Works to include only Jefferson County would retain nearly 91 percent of the current customer base and 95 percent of the revenue, supporters of the move note.

The Water Works already has some early numbers on the Moody system which has an asset value of \$12.3 million and replacement value of \$32.5 million.

In addition to Moody, Underwood said several other entities are interest in buying the St. Clair County system including Leeds, Irondale and the Southwest Water Co. Southwest already services parts of Shelby County and the U.S. 280 corridor. The Texas-based firm owns water systems in Alabama, California and Texas.

A plus for selling to Leeds and Irondale would be that those systems want to continue buying water wholesale from the Water Works, officials said. On the other side, Moody would be courted to buy water from the Coosa Valley Water Supply District, which includes St. Clair County, which already services part of St. Clair County and seeks to expand.

Today's study was proposed by Robinson who has said perhaps the counties complaining about the Water Works' operation would be better served elsewhere.

Board member George Munchus is already ready to sell the non-Jefferson County assets.

"For those water systems and county commissioners outside of Jefferson County, we need to wish them well and uncouple them from the Birmingham Water Works so they can grow," he told AL.com in an interview.

Munchus said the Water Works should then focus on building strong associations with sister systems within Jefferson County.

"Now that the Birmingham Water Works has a list of all the water systems in each of the five counties, I say let 1,000 flowers bloom and grow with water outside of Jefferson County," he said. "The 11 water systems in Jefferson County need to form a Jefferson County Water Association in an effort to collaborate and discuss our mutual focus on growth and economic development within each of the 30 plus cities and towns inside of Jefferson County, and that includes the unincorporated areas of Jefferson County as well."

State budgets: 8 things to know (Decatur Daily)

MONTGOMERY — The state's education and General Fund budgets each won approval last week in opposite chambers of the Legislature.

The \$5.9 billion Education Trust Fund budget goes to the House this week. The \$1.8 General Fund budget goes to the Senate.

Here are a few things to know about the budgets as they stand and what might change before final approval.

Raises

Gov. Robert Bentley's proposal for a 4 percent conditional raise for state employees remains in the House-approved General Fund budget.

But the key word is conditional, meaning only if the revenue is available. Many doubt it will be, and public employees shouldn't plan on a raise in fiscal 2015.

In the education budget, the Senate changed Bentley's 2 percent raise for teachers to a one-time, 1 percent bonus. Education Budget Committee Chairman Sen. Trip Pittman, R-Daphne, said the change would save the state about \$36 million.

He said he wasn't happy about not being able to allocate the 2 percent raise, "But I have a job that I was chosen to do, and that's to try to balance appropriations on estimates for revenue in very uncertain times."

Bentley said he would like the raise restored.

Common Core language

The Senate-approved budget doesn't contain a 2 percent raise, but it does have restrictions on expanding Common Core. The following line was inserted regarding the national education standards:

"The funds appropriated above shall not be used to implement standards, programs or student assessments created by the Common Core State Standards Initiative after April 1, 2013."

The language doesn't change the math and language arts standards already adopted by the state school board, Pittman said. But it does prevent new standards from being implemented.

"That language basically says we're not going to expand it," Pittman said. "Let's get our hands around what we're doing and make sure it's working and we're committed to it."

State School Board Vice President Dr. Charles Elliott, R-Decatur, said Friday he didn't know about the language.

"I'm shocked," he said. "That is not the role of the Legislature. It is not the responsibility of the state Legislature to dictate standards, and to do it under the guise of funding is inappropriate."

State Superintendent Tommy Bice agreed.

"I do not support a budget attempting to set education policy in our state, as that role belongs to the state Board of Education upon recommendation from those who are experts in their respective disciplines," Bice said.

K-12 budget

The education budget approved in the Senate last week gives about \$4.08 billion to K-12 education. Bice had requested about \$4.2 billion.

"We have reviewed the ETF budget for K-12 and are disappointed that the majority of our requests were either underfunded or not funded at all based on our identified needs," Bice said in a statement Friday.

Lawmakers gave K-12 about half of what it requested to add more middle-school teachers.

"We look forward to working with the members of the House of Representatives with a goal of restoring some of this lost funding in areas that are crucial to students' success and at a time when our schools are being held to heightened expectations for improvement," Bice said.

Higher ed

The budget allocates about \$1.47 billion to higher education. It includes about \$275 million for the two-year college system, which includes Calhoun Community College.

General Fund changes

Expect some changes in the General Fund budget as it goes through the Senate, budget committee Chairman Arthur Orr, R-Decatur, said, especially in the allocation to the state Department of Corrections.

The House version of the budget essentially gave Corrections the same amount of funding it had this year, about \$396 million. Corrections Commissioner Kim Thomas had asked for a \$42 million increase. Orr said he's committed to helping Corrections.

"I think Corrections is a really high priority because of the Tutwiler findings," he said. "Addressing that situation is a very high priority, and we've got a plan that we'll execute in the next week or two."

The U.S. Department of Justice sent the state a letter earlier this year saying that conditions at the Julia Tutwiler Prison for Women in Elmore County were unconstitutional. Many of the state's other prisons are at near 200 percent capacity.

Other agencies

"There are other agencies with other particular needs that we're going to be attempting to find funding for," Orr said. "I think you'll see a different budget. Not radically different, but there will be some distinct differences from the House budget."

More funding doesn't mean more taxes or fees, he said.

"We've been diligent in looking under the couch cushions for spare change, and perhaps we'll find some in the coming weeks," Orr said.

New revenue needed?

Democrats, though, think that digging for spare change isn't the answer.

Rep. Greg Burdine, D-Florence, voted against the General Fund budget in part because he thinks the funding for Corrections and the state judicial system is inadequate.

"This budget is never going to be fixed until we increase revenue," he said. "Until we do that, we're never going to have a budget that looks good."

Republican Lynn Greer, R-Rogersville, said that's not likely.

"We need to take the money we've got and spend it a little more wisely," Greer said. "Right now, there's no moving the Legislature to raise any taxes. It's just not on the radar."

[Hundreds rally in support of marijuana-derived CBD oil medication for seizures \(al.com\)](#)

Heather Jackson of Colorado has seen the indisputable benefits of the marijuana-derived medication called cannabidiol in her own son with his seizure activity.

"In three days, Zaki will be 17 months' seizure free," said Jackson, executive director of the Colorado Springs nonprofit Realm of Caring that promotes cannabidiol medication using a specialized form of marijuana called Charlotte's Web.

Speaking at today's rally in Pelham in support of Alabama legislation to legalize the substance known as CBD oil, Jackson compared the radical change in her son's behavior as meeting him for the first time. And "that took almost a decade to do that," she said.

Throughout Alabama, parents want the same opportunities to find relief for their children suffering from epilepsy and seizures they say have gone untouched by a barrage of prescription drugs carrying detrimental side effects.

More than 200 people gathered in a room at the Pelham Civic Complex in support of the legislation known as Carly's Law, named after the daughter of Dustin and Amy Chandler of the Birmingham area. Carly has been diagnosed with a rare genetic disorder that causes her frequent, severe seizures.

Speakers that included state lawmakers and others called on the Legislature to pass the law to allow the CBD oil's use in Alabama.

"We're running out of days in the Legislature," state Rep. Patricia Todd of Birmingham said. "These kids don't have another year" to wait for the next session.

"This will alter the lives of hundreds and hundreds of children overnight," Todd said about the bill's approval.

She asked the audience to put pressure on lawmakers to pass the bill, which has received committee approval in the Senate. "We are waiting on the Senate to pass it," she said.

"Let me tell you, if you don't pass this bill, you ain't seen nothing," she said about potential political consequences, generating loud applause.

State Rep. Allen Farley of McCalla called the legislation one of the most important this session. "If we don't pass another bill in Montgomery this session, this bill's got to pass," he said.

"This bill steps over politics. The bill allows people that are elected to public office to bend down and look at a child's face," he said.

Farley told the audience that he spent 37 years in law enforcement, while fellow state lawmaker Mike Ball of Madison, who sponsored the House bill, also came from a law enforcement career. Dustin Chandler is a Pelham police officer.

"This isn't about a marijuana plant. This is about the children," Farley said.

Pelham Chief of Police Tommy Thomas voiced his support for the legislation. "Yeah, you've got a police chief up here supporting Carly's Law and it's a derivative of marijuana," he said, stirring applause from the audience.

"CBD oil has no psychoactive chemicals in it, so it's not going to get you high," Thomas said. "Why would we deprive anyone from getting a better quality of life?"

He urged lawmakers in Montgomery to pass the law. "I don't see how anybody cannot pass this," he said.

Pelham Mayor Gary Waters said the discussion about the proposed law creates misunderstanding and comparisons to "Cheech and Chong" marijuana use. "What you're a part of today is the hardest thing you can do in Alabama, and that's to educate the ignorant," he said.

"We'll all work together to try to educate these key leaders on our side of the issue," Waters said.

The audience watched a segment of a CNN documentary by Dr. Sanjay Gupta about Charlotte Figi, a young girl in Colorado who had suffered 300 seizures a week but dropped to a couple or so a month after using CBD oil.

Jackson said the Charlotte's Web marijuana strain is high in CBD but extremely low in THC, or tetrahydrocannabinol, the substance that creates the plant's intoxicating effect. In Colorado, there are 179 pediatric patients using CBD oil from Charlotte's Web with more than 100 families relocating from 43 states, she said.

Families have relocated to Colorado where they "basically remain hostage there while they're receiving their life-saving treatment," Jackson said.

In the case of one Alabama family using Charlotte's Web, Allie Swann, the daughter of Haleyville's Butch and Mandy Swann, has gone 18 days without a severe seizure, Jackson said. "That's one of your Alabama families we would like to send home," she said.

Her own son was the second in Colorado to use Charlotte's Web back in July 2012. She remembered how quickly his lips and nail beds would turn blue from his medical condition.

Now, "he knows colors, plays video games, rides bikes. We have very engaging conversations," she said. Alabama is in a "very unique and timely position" to save young lives by legalizing CBD oil, she added.

Over the course of the rally, two dozen people will die from seizure-related conditions, Jackson said. "Don't make this a political decision," she said.

CBD oil is non-psychoactive and has "absolutely zero recreational value," Jackson said, calling the matter a "human rights issue."

Legislation targets payday and title loan industry rates (Dothan Eagle)

The stories are shockingly similar, even if few are willing to talk about it.

They needed a small loan, maybe \$400, maybe less, to pay for car repairs and bills when ends weren't meeting.

So, they take out a small loan from a company that advertises quick cash from a brightly-colored billboard and a neon shop. The application is easy, and the terms seem simple enough. But months, or even years later, the borrower has paid thousands of dollars in high interest rates without even touching the original amount they borrowed.

This type of story is one of thousands that have prompted a few state legislators to draft bills that would cap interest rates on payday loans from 456 percent annually to the double digits.

Critics of the reform bills have argued that cutting interest rates could shut down payday and title loan shops, forcing consumers to take out even higher-interest loans from unregulated lenders.

Proponents said the rates constitute usury, in turn making the state complicit in an immoral practice that preys on the poor.

"We have legitimized and legalized these triple digit usury rates," said Shay Farley, legal director for Alabama Appleseed Center for Law and Justice and an advocate for reform. "That is not fiscal responsibility if you and the state have legalized the product."

Farley also argued that anti-gouging laws prevent stores from over-charging for necessary products in times of duress. Similarly, she said, high-interest lending practices prey on those who have no other options.

In addition, 18 cities across the state passed moratoriums last year on licensing high-interest loan shops because of concerns about economic development, Farley said. A city councilman in Montgomery voted to extend a moratorium in 2013 because he believed they may be a barrier to economic growth.

"If you have a business coming to look at your community and they see that, I'm going to think, 'The people who live here are trapped in these high-interest loans, and they're not going to be able to come to my coffee shop,'" Farley said.

But even with the increasing concern about the industry, enacting reform legislation has been difficult in recent years, Farley said.

The latest reform bill was filed Wednesday by Republican state Sen. Arthur Orr of Decatur. The bill would lengthen loan terms from bi-weekly to six months, giving borrowers more time to pay them off and an overall reduction in annual percentage rate.

Another bill was filed last week by Republican state Sen. Scott Beason of Gardendale. The bill proposed to cap the interest charged by payday lenders at 30 percent and title loans at 18 to 30 percent, depending on the amount of the loan. The legislation also would limit the number of loans a borrower could take out in a year, while enforcing loan limits using a central database.

Earlier this year, two other bills that would have capped the interest rates on payday and title loans to 36 percent annually was sent to a subcommittee of the Financial Services Committee. The bills, which were sponsored by Democratic Reps. Rod Scott of Fairfield and Patricia Todd of Birmingham, will likely never be heard in the Legislature, Farley said.

"As of Tuesday, they have still not set up that subcommittee," she said. "Some committees already have pre-set subcommittees. But for whatever reason, they're assigning a new subcommittee. In my humble opinion, they're padding it with industry-friendly members."

News organization AL.com found that seven of the nine members of the Financial Services Committee had received political donations from high-interest lenders or their political action committees in the last six months. The two who did not, the news website said, were the two who are not seeking re-election this year.

Financial Services Committee members who received contributions from payday or title loan lenders were: Rep. Lesley Vance, R-Phenix City; Rep. Jack Williams, R-Vestavia Hills; Rep. Thad McClammy, D-Montgomery; Rep. Steve Hurst, R-Munford; Rep. Oliver Robinson, D-Birmingham; Rep. Marcel Black, D-Tuscumbia; Rep. Mack Butler, R-Rainbow City.

But advocates for payday lending shops said the current legislation is fair, and that decreased interest rates would effectively shut down shops and send borrowers to unregulated lenders.

"It would be virtually impossible for us to operate a storefront at that (percentage) rate," said Buck Wilson, a spokesman for Modern Financial Services, an association that represents payday lenders throughout the state.

Wilson, who owns several payday lending stores in the state, said that because the loans were small, lowered interest rates would not generate enough revenue to keep the stores open.

"These are short-term, small-dollar loans," he said, contrasting them with larger loans, such as home mortgages that produce long-term installment payments and produce a steady profit for lenders.

If payday loan stores shut down, Wilson said it would create "an undue hardship on the consumer" who would seek out high-interest loans from loan sharks, online banks, offshore companies and tribal lenders that are unregulated and not licensed by the state.

"We feel that consumers are better served by companies that are regulated by the state and federal government," he said.

Before the state acts, Wilson said legislators should consider the impact on both the payday lending business and its clients.

Payday and title loans are relatively new to the state's landscape, because laws governing the industry only changed within the last 11 years.

In 1959, the state Legislature had passed the Alabama Small Loan Act which kept banks from charging more than a 36-percent annual percentage rate for loans under \$1,000.

In the 1990s, payday lenders, which originated in Tennessee, moved into Alabama, causing the Alabama State Banking Department to issue cease and desist notices to the companies, Farley said. But the industry fought back.

After years of legal wrangling, the Deferred Presentment Services Act was passed by the state Legislature in 2003. While the Alabama Small Loan Act was left intact, the DPS act created an exception for payday loan companies to charge up to a 456 percent APR for small dollar loans. (Note: Title pawn lending is governed under a separate law, and is currently allowed in Alabama up to 300-percent APR.)

Payday loans typically last two weeks, but the term can be shorter for borrowers who are paid weekly and longer for those paid monthly. In Alabama, payday loan transactions cannot be made for less than 10 days or more than 31 days. Borrowers generally need only a checking account and some source of income, whether it's a job or Social Security income. No collateral is held for these loans.

In many cases, additional high-interest loans are taken out to cover more expenses or to pay the loans themselves, Farley said.

According to the 2012 Pew Charitable Trusts report "Who Borrows, Where They Borrow, and Why," about 12 million Americans use payday loans every year. On average, a borrower takes out eight loans of \$375 each per year, and spends \$520 on interest, the report said.

The Pew report also found that payday borrowing tended to be highest among people with incomes between \$15,000 and less than \$25,000.

While the report found the majority of the loans were used by people aged 25 to 29, some are older or disabled, said Tracie Melvin, managing lawyer for Dothan's branch of Legal Services Alabama.

"These are people who are just trying to make ends meet," Melvin said. "These are people who simply cannot make it from month to month. So, these companies are profiting off people who are poor.

Nobody with money goes to a payday loan place."

Melvin said many of her clients worried when lenders threatened prosecution for unpaid bills. Lenders also called the borrower's references after loans went into default, she said.

"You cannot go to jail for failing to pay a debt," she said. "You didn't obtain the money fraudulently." And while the loans may be easy to maintain, they are rarely easy to get rid of, she said.

"You're creating a system where they're never, ever, ever going to get out of debt," she said. "They just feel like there's no way out. They are just drowning in debt, and sometimes bankruptcy is the only way out."

Melvin said many clients with payday loans end up filing for bankruptcy, which also puts a burden on the rest of the community.

High-interest loans end up costing the state money through legal fees and lost revenue, she said. The community also loses when intimidated borrowers end up paying high-interest lenders before doctor bills, rent and electricity.

"It's a case of the squeaky wheel getting the grease first," she said. "They're costing everybody a lot more money. The only place that's profiting off (these transactions) is them."

Orr bills would consolidate 2 state agencies (Decatur Daily)

MONTGOMERY — A state lawmaker is proposing the consolidation of two state agencies into other existing departments.

Sen. Arthur Orr, R-Decatur, introduced two bills this week he thinks could save the state money and make it more efficient.

Senate Bill 411 would transfer responsibilities of the State Forestry Commission to Agriculture and Industries, which would then be called the Department of Agriculture, Forestry and Industries.

Similarly, Senate Bill 412 could make the freestanding Board of Pardons and Paroles a division within Corrections.

Orr said Friday the consolidations would save money, though it's not yet clear how much. Orr is chairman of the Senate committee that oversees the state's struggling general fund. He's suggesting the consolidations with an eye on the fiscal 2016 budget, which will be short about \$145 million borrowed from the Alabama Trust Fund in 2013, 2014 and 2015.

"When the (Alabama Trust Fund) transfer goes away, it is going to be a very tough budget year," Orr said. "One of the reasons for filing the bills this year is that we're going to have to make some very significant decisions in this session and next session. This is one we should consider."

In the 2015 general fund budget approved by the House this week, the forestry commission was allocated \$8.75 million while pardons and paroles was allocated \$27.3 million.

Orr said other states have made similar consolidations. While they likely will lead to some job cuts, no number is set. Orr said he sees bigger potential savings in streamlining pardons and paroles with corrections.

"That could help with the prison overcrowding situation," Orr said. At nearly \$400 million, corrections is the general fund's second-largest expense.

Orr said he has not yet talked with Gov. Robert Bentley about the possible consolidations.

"The will of the governor and the body may be that they don't want it," Orr said. "But this will begin the discussions about combining these agencies."

Former general fund budget chair Sen. Roger Bedford, D-Russellville, said he hadn't seen the pardons and parole bill, but read the forestry bill.

"I'm not for it," Bedford said. "Both (forestry and agriculture) are working efficiently and effectively as separate departments, and while they do have some overlap in their missions, they also have separate missions that should not be combined. It would not be in the taxpayers' best interest.

"To me, this is just a classic example, in an election year, the Republican supermajority wants to say they have downsized government, when in fact they haven't created any new value for the taxpayer." Consolidating state agencies isn't new to the GOP majority in Montgomery. Last year, a bill was passed to create the Alabama State Law Enforcement Agency. Starting in 2015, it will be an umbrella group for more than a dozen law enforcement branches now working for various state agencies, ranging from marine patrol within the Department of Conservation to enforcement officers at the Alcoholic Beverage Control Board.

Abortion bills in House this week (TimesDaily)

Lawmakers in the Alabama House are scheduled Tuesday to vote on four bills that would further restrict abortions in the state.

"We're fiercely pro-life, the majority of the Legislature is, the majority of the House is," Speaker of the House Mike Hubbard, R-Auburn, said last week. "We believe that it is very important that we do everything we can to protect life."

House Bill 490 bans abortion if a fetal heartbeat can be heard, which is as early as about eight weeks into pregnancy. Current state law bans abortion after 20 weeks.

House Bill 493 requires physicians to provide to women whose fetuses aren't likely to survive to birth or long afterward, information about hospice services available if she carried to term. If abortion providers don't provide the information, they can be charged criminally.

House Bill 494 puts more requirements on minors seeking abortions, including making consenting parents prove they are the minor's mother or father.

House Bill 489 changes from 24 to 48 the number of hours a woman must wait between consultation and abortion.

The fetal heartbeat bill has led to lawsuits challenging its constitutionality in two other states, and Planned Parenthood said last week that a lawsuit is possible here if the bill becomes law.

But Hubbard echoed some other lawmakers' sentiments about potential lawsuits.

"If you shy away from anything that you're afraid will be the subject of a lawsuit, you wouldn't pass anything," he said. "You've got liberal organizations like the ACLU and the Southern Poverty Law Center, they're going to sue no matter what. That shouldn't keep us from doing what is right."

In the Senate, President Pro Tem Del Marsh has said throughout the session that he wants to avoid controversial legislation, but said last week the bills, assuming they pass the House, will likely be assigned to the Senate health committee.

"I have heard no talk on the bills up here so far," Marsh, R-Anniston, said Thursday.

No discussion yet

One controversial bill, which as of last week wasn't set for a vote in committee or anywhere else, would repeal until 2017 the Common Core standards in Alabama.

The national education standards have split Republicans. The state board of education adopted some of the math and language standards several years ago. Advocates say the standards improve education in the state; opponents call it federal intrusion.

"The sentiment (in the House) is that we want to make sure that there is no federal control of our curriculum," Hubbard said. "But we also believe we have an elected board of education and that's their job ... from a policy standpoint, that is their job."

What's left?

On Tuesday, 11 of 30 legislative days will remain in the 2014 session.

"We've gotten most of the big things done," Hubbard said about legislation that has passed the House.

"The (education) budget is really the big thing that is left."

The House has to pass the education budget; the Senate the general fund budget.

Hubbard did mention one other item on his radar: The Revolving Door Act. It would limit how quickly a lawmaker could leave the Legislature and return as a lobbyist, trying to influence his or her former colleagues.

No Medicaid

One thing that won't be coming up in the last one-third of the session is legislation to expand Medicaid, despite Democrats' efforts.

"I'm very disappointed, we've been asking for it on a weekly basis," said Sen. Roger Bedford, D-Russellville, who is sponsoring expansion legislation. "But it's just like last year when they wouldn't let it come to the floor."

Proponents of Medicaid expansion under the Affordable Care Act say it would provide health care to about 300,000 additional people and bring in billions in federal funding.

"These are working Alabamians, they're paying taxes and working, they just can't afford health insurance," Bedford said.

But Gov. Robert Bentley and other Republicans said the cost is too great. Even with the federal government picking up most of the tab, expansion would cost the state about \$488.5 million from 2014 through 2020.

Length of service valued over good job performance among state employees (Opinion from Cameron Smith)

At the end of 2013, Governor Bentley outlined the results of his efforts to reduce cost and increase efficiency in state government. Bentley stated that Alabamians elected him and the Republican-controlled Legislature to “make state government more efficient and live within our means without raising taxes or cutting essential services.” Part of that effort included savings from “right-sizing” the state’s workforce. Unfortunately, the outdated personnel policy of “last-in, first-out,” or “LIFO” means that Alabama’s reduced workforce may not necessarily be the best it could be.

Tight budgets in Alabama have meant tough choices for Alabama’s elected leaders at every level of government. While the decisions are challenging, the options are relatively straightforward. Either Alabama’s political leaders increase taxes to continue paying for the spending habits of prior officials, or they decrease the size of government through attrition and reductions in the state’s workforce.

Unfortunately for those who prefer to simply impose new taxes on Alabamians, tax increases rank somewhere behind gun control laws, Obamacare, and root canals in terms of their popularity.

At the same time, even the most reform-minded politicians would rather avoid directly discussing public personnel issues, especially when it comes to reductions in force. The reason is obvious. If a politician’s efforts to streamline government result in someone losing their job, there is a good chance the politician loses their vote as well. Nevertheless, reining in state, local, and education workforces to operate within revenue limits means the likely elimination of at least some government jobs.

Alabamians may have radically different opinions about the right size of state government and how to fund it, but everyone has a stake in promoting public personnel policies that prioritize performance criteria over largely unrelated employment factors.

For example, take the policy at Geneva County Schools. In the event of a reduction in force, seniority in the system is considered first, then the education degrees held by the teacher, then total years experience in education, and finally, which employee has the lower Social Security number. At no point does the policy even mention consideration of an employee’s effectiveness as a teacher.

Geneva County Schools is sadly not the only government entity in Alabama with personnel practices driven by outmoded LIFO policies. The Personnel Board of Jefferson County only includes “efficiency ratings” as a tiebreaker after seniority, and the Mobile County Personnel Board also relies heavily on seniority to determine layoffs. Other examples are not difficult to find.

Personnel policies that heavily or exclusively embrace the LIFO model treat teachers and state and local employees like interchangeable cogs in a government machine. In practice, we know this is not the case. Government employees run the gamut on performance just like their counterparts in the private sector. Some of Alabama’s best employees may be the newest hires. They might also be the longest serving in their field. The point is that we should focus on the quality of their work rather than the blind assumption that those with career longevity are necessarily the best public employees.

Alabama’s elected leaders have been forced to make public employment decisions that have consequences for real people. They should not be taken lightly or casually. An important part of that is giving teachers and state and local employees the confidence that their job performance matters when reductions in force are necessary.

While “seniority” might be a better factor than Social Security numbers, Alabama’s legislators would be wise to end the practice of seniority-driven layoffs and ensure that all levels of state government consider employee performance, even in the face of difficult fiscal decisions.

[Former state Sen. Tommy Ed Roberts dies at Hartselle home; funeral services Monday \(al.com\)](#)

HARTSELLE, Alabama - Former state Sen. Tommy Ed Roberts, who represented Morgan, Limestone and Madison counties in the Alabama Legislature, died at his home in Hartselle Saturday. He was 73. Funeral services for the veteran lawmaker, who served in both the Alabama House and Senate, will be Monday at the First United Methodist Church in Hartselle.

Roberts was elected to the House of Representatives in 1974 and served two terms before taking a 12-year break. He won his Senate seat in 1994 and was re-elected in 1998 and 2002. During his last two terms, Roberts was part of a small group of Democrats who usually sided with the Senate's then-Republican minority. Roberts retired in 2006 and was succeeded by state Sen. Arthur Orr, a Republican from Decatur.

Roberts, who was born in Morgan County in 1940, died at his home, according to Peck Funeral Home of Hartselle. He is survived by his wife, Pat Hogan Roberts; his son and daughter-in-law, Andy and Cindy Roberts of Hartselle; his daughter and son-in-law, Stacey Roberts Wade and Dr. Freddie Wade of Franklin, Tenn.; his stepmother, Mable Roberts of Abilene, Texas; and his sister and brother-in-law, Edna Carol Weeks and Jerry Weeks of Hartselle.

Visitation will be from 1-3 p.m. Monday at the church followed by the funeral at 3 and burial at Hartselle City Cemetery.

Competing Claims: Liability insurance program for teachers becomes political football (Anniston Star)

by Tim Lockette

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03.02.14 - 02:27 am

MONTGOMERY — So far, only one legal case has been settled through the \$5 million teacher liability insurance program Alabama set up last year, state officials say.

But it's far too early to say just how much money the program — one of the most hotly-debated items in Alabama's education budget — really needs.

"Liability claims are very slow to mature," said Ben Spillers, risk manager for the Alabama Department of Finance. "It will be five to seven years before this mellows out."

Spillers' office is in charge of a new state program, set up last July, to provide teachers with insurance to cover them if they get sued for their actions on the job.

Republican lawmakers introduced the program in last year's budget bill as a benefit for teachers, who haven't historically had liability coverage paid for by the state.

"We're providing teachers with a benefit that would cost them \$500 a year," Sen. Bryan Taylor, R-Prattville, said in budget hearings last week.

The move, however, had a backstory. For years, the Alabama Education Association — the state's largest professional organization for teachers — has been one of the state's main providers of liability insurance for teachers, who get the coverage as part of dues-paying membership in the organization.

Democrats, long allied with the AEA, cried foul. They accused Republicans of carving \$5 million out of the state's school system to duplicate a service AEA was already providing — thus giving teachers an incentive to leave the organization.

The liability insurance program is a tiny sliver of the state's \$5.8 billion education budget, but it has become one of the hardest-fought pieces of turf in that budget.

Debate rolls on

"Parents shouldn't have to provide toilet paper or paper towels to schools, " said Sen. Roger Bedford, D-Russellville. "Schools should provide the basics."

Bedford tried to persuade fellow senators last week to dismantle the liability program and spend the money on bathroom tissue.

The current draft of the state's education budget, now before the Legislature, would give the teacher liability program \$3 million in 2015, \$2 million less than its 2014 cost. Bedford wants to take the entire \$3 million and create an emergency toilet paper fund for school systems, which would have to be depleted before school systems could ask parents to provide similar supplies.

"It's real dollars that affect every school in the state," Bedford said. Senators rejected Bedford's plan.

Democrats have also questioned the need for the program now that teachers may be on their way to getting immunity from some civil suits. The House of Representatives on Thursday passed a bill that would grant teachers statutory immunity similar to that enjoyed by other state officials, which would protect them from lawsuits from actions done in their official capacity, unless those teachers act maliciously or exceed the bounds of their authority. The bill is on its way to Gov. Robert Bentley's desk.

Republicans say both the insurance program and the immunity bill are simply providing teachers with protections most other states already offer. Alabama is one of only five states without some form of statutory teacher immunity.

"When a teacher or a state employee properly carries out the work and duties that we ask of them, they deserve to do so without fear of lawsuits or adverse action taken against them," the bill's sponsor, Rep. Mike Jones, R-Andalusia, said in a press release.

'Less than a million'

So far, the biggest beneficiaries of the program may actually be school districts, who could see a little money shaved off their insurance bills.

Alabama teachers have long had at least one source of liability insurance other than AEA. Alabama Risk Management for Schools, a nonprofit set up by the Alabama Association of School Boards in the 1970s, insures school boards against lawsuits.

Until recently, that insurance system covered teachers and other support employees — at the local school system's expense. ARMS administrator Dwight Hester said the system handled about 75 to 80 lawsuits in any given year. He said the cost of covering teachers varied from year to year, depending on the results of those suits.

"It was less than a million dollars per year," Hester said.

Since the state set up its own program, ARMS has dropped employee coverage from its own insurance. Hester said the move would save the average school district about 6 percent on its liability insurance, which still covers school board members and liability related to school property.

Calhoun County Schools superintendent Joe Dyar said he's not sure how much the new system saved county schools.

"I can tell you that we have not had many lawsuits, if any," he said.

Hester said he's not surprised that the state insurance system has only picked up one case so far. ARMS is still responsible for lawsuits that began before the state system was set up, and most suits spend years in court before any money is paid out.

"At this point, nobody probably has a statistically significant number of cases to discuss," he said.

Sharing claims

What effect the new insurance program has had on AEA's membership, if any, isn't clear. Attempts to reach AEA spokeswoman Amy Marlowe for comment on Thursday and Friday were unsuccessful.

Eric Mackey, director of School Superintendents of Alabama, said he didn't expect the new liability insurance to lure many teachers away from AEA. While ARMS defended teachers in suits from outside the school system, he said, it didn't represent them in legal disputes with the school system itself. Teachers turned to the AEA to represent them in those cases, Mackey said.

"Most of the disputes are actually between employees and boards," he said.

Hester said the new liability system would likely wind up in court or in negotiations with AEA soon, as lawyers try to work out who actually pays when teachers lose a lawsuit. That usually happens when someone has liability insurance from two sources, he said.

"The real story will be how they share those claims," he said.

Plaintiffs' lawyers will also be watching, Hester said. When more than one liability company is involved, he said, there's a potential to collect more money in a suit.

"The bigger the target," he said, "the larger the potential litigation is."

Democrat Engle drops out of District 35 House race (Anniston Star)

by Tim Lockette

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03.02.14 - 02:24 am

MONTGOMERY — Stephanie Engle is dropping out of the race for House District 35 due to a qualification error.

Engle, the only Democrat in the race to represent the district that covers parts of Calhoun, Talladega and Clay counties, withdrew from the running after discovering she didn't meet the residency requirement, the House Democratic caucus announced in an email Saturday.

Engle made the discovery while researching another topic, according to the announcement.

In a brief telephone conversation with The Anniston Star on Saturday, Engle confirmed she was out of the race. She declined to answer further questions, saying she was at a public event and would call back later.

Engle is a Talladega resident and comes from a family with roots in Talladega County — but she has lived in other states for at least part of her adult life. Campaign press releases identify her as a Cornell graduate who did research involving New Jersey families affected by the Sept. 11 terrorist attacks.

The Democratic announcement states that candidates must be residents of Alabama for three years and residents of their districts for one year in order to qualify to run. According to the announcement, Engle met the one-year district residency requirement but fell just short of the three-year requirement for the state.

Qualifying for major-party candidates ended Feb. 7, with Engle as the only Democrat in the race. In the GOP primary, incumbent Rep. Steve Hurst, R- Munford, faces Munford businessman Steve Dean. Independent candidates have until June to qualify, but none have entered the race so far.

Hurst said he'd heard rumors that Engle might not meet the residency requirement, but didn't know much about the matter.

"I don't know her personally," Hurst said. "I understand she's a nice lady. I wish her well."

Dean also said he had never met Engle, but respected her decision to withdraw.

"It's admirable on her part to step up and say, 'I made a mistake,'" Dean said. "It speaks well of her character."

The primary is scheduled for June 3.

Former inmates recount incidents of sexual misconduct at Tutwiler (AP)

MONTGOMERY, Alabama — Like most preschoolers, the 3-year-old girl who lives in Montgomery is a whirl of energy. She sings and dances through the house and loves the cartoons "Sofia the First" and "Doc McStuffins." She parrots back letters as her caretaker spells her name.

About once a month a relative takes her to visit at Alabama's Julia Tutwiler Prison for Women where her mother, Monica Washington, is serving a 20-year sentence for robbery. Her father was an officer at the prison and pleaded guilty in 2011 to custodial sexual misconduct after a DNA test showed he had gotten Washington pregnant, said Charlotte Morrison, a senior attorney with the nonprofit Equal Justice Initiative.

Built in 1942 in the sleepy town of Wetumpka, Alabama's lone prison for women has a "history of unabated staff-on-prisoner sexual abuse and harassment," the U.S. Department of Justice wrote in a

scathing report in January. DOJ accused Alabama of violating inmates' constitutional rights to be protected from harm, alleging that corrections officers had assaulted inmates, coerced inmates into sex, inappropriately watched inmates in the showers and bathrooms and once even helped in a New Year's Eve strip show.

"The problems at Tutwiler are so much more severe than what I have seen at other prisons," said Brenda V. Smith, a law professor at American University and member of the National Prison Rape Elimination Commission.

"The way to think about Tutwiler is that it is an amalgam and very intense concentration of the problems that exist in women's correctional institutions," Smith said.

[Related: 30 employees, 18 sexual misconduct cases referred to prosecutor from Tutwiler women's prison 2009 to 2013]

Marsha Colby spent four years at Tutwiler before a capital murder conviction was overturned. In that time she said she saw officers watching inmates bathe, officers being verbally abusive and once walked in on an inmate and an officer having sex in a bathroom at 3 a.m.

Colby, who was released in 2012 after pleading guilty to reduced charges, said some officers lingered in the showers instead of walking through quickly to count inmates.

"This particular sergeant so-called claimed he had an eye problem. He would step on the concrete pad that your partition is bolted to. He would actually stand up on that and peer over and look at us and slowly count one ... two ... three," said Colby, now 49, in an interview with The Associated Press.

State officials vehemently disagree with the federal assessment.

Corrections Commissioner Kim Thomas and Gov. Robert Bentley maintain the DOJ report paints an inaccurate picture of Tutwiler in 2014.

"I thought they took past offenses over many years and put them into their report as if all of those offenses were occurring today. They did not take into account all the remedies that had been put in place or were beginning to be put in place when they actually came in to visit," Bentley said.

The Montgomery-based Equal Justice Initiative first raised the concerns about Tutwiler. Thomas said the National Institute of Corrections — part of the Department of Justice — was invited to conduct a review and given full access to the prison.

In response to those findings, Thomas issued a 50-point directive a year ago. Those orders included putting doors in the showers, limiting strip searches, introducing gender training for officers and stepping up efforts to recruit female officers. He has also ended the practice of putting inmates into segregation after they made complaints against officers.

"They are not going to be swept under the rug," Thomas said of inmate complaints.

Tutwiler's problems have come to wide public attention in recent years amid federal scrutiny.

An inmate survey released last year by the Bureau of Justice Statistics said Tutwiler had one of the highest rates in the nation of inmates who say they have been sexually assaulted or abused by a staff member.

The report — "Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12" — identified Tutwiler as one of 12 prisons — eight male and four female prisons — with the highest rates in the country of reported staff misconduct in 2011.

[Related: Tutwiler prison employees charged with sex crimes against inmates typically pleaded to lesser charges]

Colby said some inmates seek out attention from the officers. It is a felony for employees to engage in any sexual conduct with a person who is in the custody of the Department of Corrections, the Department of Youth Services or local jails.

"There's no such thing as consensual sex in prison. When one person has that kind of power and authority over another, it's not consensual," Sen. Cam Ward, chairman of Alabama's Joint Legislative Prison Committee, said.

State officials don't dispute one point raised by the Justice Department.

The Department of Justice said Tutwiler is at "dangerously low staffing levels, including a dearth of female officers, thus placing women prisoners at serious risk of harm from other prisoners and staff."

Staffing, Thomas agreed, is a problem as it is elsewhere in the cash-strapped prison department. The inmate-to-staff ratio in Alabama is about 11-to-1, about more than twice the national average of 5-to-1, he noted.

"Do I think that we are going to have to, at some point, spend more money on prisons or put fewer people in jail and use more diversions? We are going to have to do that," Bentley said.

Bryan Stevenson, executive director of Equal Justice Initiative, the Montgomery-based nonprofit group which first raised the alarm about Tutwiler, said he disagrees with state officials who insist enough is being done.

"One of the challenges is that the state has just been casual about this," Stevenson said.

Former Tutwiler inmate Stephanie Hibbett, 33, said officers would sometimes make comments about women's bodies while they were using the bathrooms and showers. Hibbett said a guard groped her and tried to kiss her while she was cleaning a trailer used for church services. The guard was later dismissed, but Hibbett said she felt like she was regarded with suspicion when she initially made the complaint. She said she was asked to take a polygraph test and told she would be put in inmate segregation.

"It's a constant walk of fear," Hibbett recalled of her time at Tutwiler.

Ward said the DOJ report should be a wake-up call to state leaders.

"Are every one of these allegations true? I don't know. But if a tenth of these allegations are true, then we've got a huge problem on our hands," Ward said.

[Troubles at Women's Prison Test Alabama \(New York Times\)](#)

WETUMPKA, Ala. — For a female inmate, there are few places worse than the Julia Tutwiler Prison for Women.

Corrections officers have raped, beaten and harassed women inside the aging prison here for at least 18 years, according to an unfolding Justice Department investigation. More than a third of the employees have had sex with prisoners, which is sometimes the only currency for basics like toilet paper and tampons.

But Tutwiler, whose conditions are so bad that the federal government says they are most likely unconstitutional, is only one in a series of troubled prisons in a state system that has the second-highest number of inmates per capita in the nation.

Now, as Alabama faces federal intervention and as the Legislature is weighing its spending choices for the coming year, it remains an open question whether the recent reports on Tutwiler are enough to prompt reform.

"Yes, we need to rectify the crimes that happened at Tutwiler, but going forward it's a bigger problem than just Tutwiler," said State Senator Cam Ward, a Republican from Alabaster who is chairman of the Senate Judiciary Committee. "We're dealing with a box of dynamite."

The solution, Mr. Ward and others say, is not to build more prisons but to change the sentencing guidelines that have filled the prisons well beyond capacity.

Just over half the state's prisoners are locked up for drug and property crimes, a rate for nonviolent offenses that is among the highest in the nation.

"No one wants to be soft on crime, but the way we're doing this is just stupid," Mr. Ward said.

Still, in many corners of Alabama, a state where political prominence is often tied to how much a candidate disparages criminals, the appetite for change remains minimal.

The Legislature is in the middle of its budget session, working over a document from Gov. Robert Bentley that includes \$389 million for the state's prisons. That is about \$7 million less than last year's budget.

The Department of Corrections argues that it needs \$42 million more than it had last year. Alabama prisons are running at almost double capacity, and staffing is dangerously low, said Kim T. Thomas, the department's commissioner. He said he would use about \$21 million of his request to give corrections officers a 10 percent raise and hire about 100 officers.

The odds of approval for that much new money are not great, but they are better this year than they have been in a long while, said Stephen Stetson, a policy analyst with Arise Citizens' Policy Project, a liberal policy group.

Even so, "for the average legislator, it's still, 'These bodies don't matter,' " he said.

There is no ignoring the prison crisis. Even Stacy George, a former corrections officer who is challenging Mr. Bentley in the June Republican primary by promising to be "the gun-toting governor," this past week issued a plan for prison reform. It calls for changing sentencing rules, rescinding the "three-strikes" law for repeat offenders, releasing the sick and elderly, and sending low-level drug offenders into treatment programs instead.

The federal government has stepped in to fix Alabama's prison problems before, but it has been years since the state has faced a situation as serious as that uncovered by a series of damning investigations into Tutwiler.

"We think that there is a very strong case of constitutional violations here," said Jocelyn Samuels, the acting assistant attorney general for civil rights for the Justice Department, who sent a 36-page report to the governor in January.

The toxic, highly sexualized environment, she said in an interview, has been met by "a deliberate indifference on the part of prison officials and prison management, who have been aware of the conditions for many years and have failed to curb it."

The prison was built in 1942 and named after Julia Tutwiler, a woman called the Angel of the Stockades for her work trying to improve conditions for inmates in Alabama. More than 900 women live there, including some on death row, although the original building was designed for about 400.

The prison's abysmal staffing levels, abundant blind spots and only three cameras created a situation where sex among prisoners and with guards was rampant, the report said. Male guards have routinely watched women showering and once helped prisoners organize a strip show. Sex is sometimes exchanged both for banned items like drugs and for basic needs like clean uniforms.

At least six corrections employees have been convicted of sexual crimes since 2009.

The Justice Department is still investigating Tutwiler, scrutinizing medical and mental health care there.

"It is just a culture of deprivation and abuse, not just at Tutwiler but in institutions across Alabama," said Charlotte Morrison, a senior lawyer with the Equal Justice Initiative, a legal organization that represents indigent defendants and prisoners.

In 2012, the organization asked the federal government to step in after its own investigation into Tutwiler showed rampant sexual abuse.

The Department of Corrections says conditions at Tutwiler were beginning to improve well before the Justice Department began its investigation in April 2013. Six months after the Equal Justice Initiative report came out in May 2012, the longtime warden and other top prison officers were replaced, said Mr. Thomas, the corrections commissioner.

He also asked the National Institute of Corrections to review practices and policies at Tutwiler. Using those findings, he issued a wide-ranging plan in January 2013 that included recruiting more female corrections officers, pressing the Legislature for more money and changing several policies and procedures. Among them was a system to better investigate and track reports of assaults and abuse.

"That report came about because I wanted an abundance of caution and to be transparent," Mr. Thomas said.

But women recently released and still inside say life at Tutwiler has improved only marginally.

Monica Washington, who is serving 20 years for armed robbery, said she had been raped by a prison guard and gave birth to a daughter who is now 3 and living with relatives near Montgomery.

The guard, Rodney Arbuthnot, served six months in jail for custodial sexual misconduct. He has since moved to Texas. The courts only recently tracked him down, and the family is finally getting about \$230 a month in child support.

In a telephone interview, Ms. Washington said that prisoners were still fearful and that conditions remained bad.

"Right now, for me personally, it's still the same as far as the officers," she said. "It's like an act of Congress to get the things you need just to live. It's inhumane for inmates to be here, period."

Marsha Colby, a mother of six, served almost 10 years of a life sentence without parole for a murder conviction. Her premature son had been stillborn, and she buried him in a marked grave near her home. A medical examiner said the child had been drowned in a bathtub, but the conviction was overturned after a court agreed that the autopsy had been botched. She was released in December 2012.

She remains in contact with some Tutwiler prisoners, who she said were split on whether attention from the federal government was a good thing.

Sex is an important commodity there, Ms. Colby said. The inmates use it to get better treatment and secure contraband items that they can then sell to get food and other basics.

"The women do it for favors," she said. "They get makeup, cologne, anything that's stuff that is resellable. That's how they make their money."

She and others believe it will take a larger overhaul at the top of the Department of Corrections to fix the prison's problems.

"It's a primitive, very backward prison system," said Larry F. Wood, a clinical psychologist who was hired at Tutwiler in 2012. He quit after two months, appalled at the conditions and what he said was the administration's lack of support for mental health services.

"I've worked in prisons for most of 30 years, and I've never seen anything like this," he said. "We need to back up and look at it with fresh eyes. The people who are running it don't have the perspective to see what can change."

[Defense budget cuts could threaten growth at Austal \(al.com\)](#)

MOBILE, Alabama -- For the past seven years, Austal USA has grown up on the banks of the Mobile River, hiring more and more employees to help construct ships for the Navy. That number will soon crest just over 4,000 workers, as the shipyard approaches full rate production.

As a company that until recently held little cache among defense contractors, Austal has already achieved plenty. But life-threatening cuts to the littoral combat ship program pose a threat to the its long term gains. A cash-strapped Pentagon that's faced with hard decisions about future military threats and finances wants an inexpensive, but well-manned vessel. Both of which have been challenges for the program.

As expected, Defense Secretary Chuck Hagel proposed a budget this week that would limit the order to 32 ships. The decision, albeit tentative, is a sign that the company should also be looking at what they will do next.

Some low-lying fruit would be to provide technical support for each of the joint high speed vessels and littoral combat ships they are under contract to build, a venture Austal USA President Craig Perciavalle says they are actively pursuing.

"There's a lot of service and support work now that we're focusing on as business opportunities for us," Perciavalle said. "That's the next big business sector that we are just starting to focus on now that our ships are getting out there."

Austal and Lockheed Martin were both chosen to be the prime contractors for the dual shipbuilding program. Austal, which also has a \$1.6 billion contract to build 10 joint high speed vessels, constructs the Independence-variant, an aluminum trimaran. Lockheed Martin builds the Freedom-variant, a steel monohull in Marinette, Wis.

Perciavalle is cautious not to speculate too much on the Navy's future acquisition of the LCS. And with good reason. The politics that surround the federal budget takes many turns before the final product is final. Alabama's entire delegation has already stepped up to defend any plans to bring the program down to size.

Congressman Bradley Byrne, R-Fairhope, said in a prepared statement Tuesday that the ships were "a critical component of our future fighting force as we continue adapting to changing combat necessities."

However, a memo obtained by Bloomberg News, which Hagel sent to Navy Secretary Ray Mabus, another supporter of the LCS, suggested the controversial vessel needs should be modified to be "generally consistent with the capabilities of a frigate." Critics have often latched on the ship's questionable firepower capabilities in the face of a threat from a more capable military.

J. Michael Gilmore, the defense department's director of operational tests and evaluations said most of the testing for the Austal-built sea frame focused on the performance of the mine countermeasures mission module. Gilmore added "the core combat capabilities of the Independence-variant sea frame remain largely untested."

Envisioned as a low-cost option so the military can be in more places around the world to thwart minor threats, Hagel's memo recommended the ships also be prepared to handle more capable militaries in Southeast Asia.

Defense industry experts agree that if the LCS is to comprise of a significant portion of the Navy's fleet, it would need more resilient defense capabilities. If not, then the Navy doesn't need 52 of them.

Jim Hasik, senior fellow at the Brent Scowcroft Center on International Security in Washington, D.C., said among the cost-cutting there may be a place for an up and coming shipyard like Austal.

The Navy, Hasik said, has come around to the idea that they need a "high-low mix" for its future fleet. Ships of varied capabilities and of varied costs are needed to fit the current fiscal environment.

"They've built some great ships for the Navy that were not very expensive," Hasik said. "I think that the tighter money gets, it's probably the better chance Austal has."

The fiscal belt-tightening has expressed in numerous reports from the federal government. In October 2013, the Congressional Budget Office released a report analyzing the Navy's shipbuilding plans future shipbuilding plan.

"The Navy plans to see how well the existing shipyards perform in executing their contracts before it decides whether or how to acquire the rest of the ships," the report read.

Noting the cost overruns for the first four ships built, the report asserted that "the key to the future cost of the littoral combat ships will be how well each shipbuilder can execute its current 10-ship contract."

This has put a laser focus on meeting production demands at Austal, which delivered three ships last year.

The shipbuilders are currently piecing together 9 vessels -- 5 littoral combat ships and 4 joint high speed vessels -- all at various stages of construction, Perciavalle said. They are projected to deliver another three ships this year. When the LCS hits full rate production, Perciavalle said they will be delivering a consistent four ships every year.

There will be a few final additions before its growth spurt ends. They're looking to hire as many as 200 more people in the next six months, and construct a much-needed vessel completion yard on the southern end of the campus.

"We build very capable platforms that are very affordable, and we are optimistic of the competitive advantage that puts us in," Perciavalle said. "It's one thing to be building something that your customer doesn't really want. I'm pleased that our customer loves the LCS program; they're committed to the LCS program."

[Good news for Airbus means good news for Alabama jobs \(Yellowhammer News\)](#)

Airbus, Europe's largest aerospace manufacturer, announced this week that it will be increasing its output of A320 jets, thanks to a rise in profits.

According to the BBC, Airbus' net income rose 21% to 3.6bn euros (\$5bn; £3bn) in 2013, a year when Airbus delivered a record 626 planes. Revenues rose 5% to 59.3bn euros."

As a result, an Airbus spokesman said the company would increase its production of A320 jets from its current pace of 42 per month, to 46 per month by 2016.

"Based on the healthy market outlook for our best-selling A320 family and following a comprehensive assessment of our supply chain's readiness to ramp-up, we are ready to go to rate 46 by Q2 2016," said Tom Williams of Airbus.

"With a record backlog of over 4,200 A320 family aircraft... we have a solid case to increase our monthly output to satisfy our customers' requirement for more of our fuel efficient aircraft."

Airbus announced in July of 2012 that it would be building a \$600 million A320 manufacturing facility in Mobile, Ala. Construction is currently underway, with aircraft assembly scheduled to begin in 2015 and the first delivery targeted for 2016. That timing coincides perfectly with Airbus' planned ramp up.

A spokesperson for Mobile Mayor Sandy Stimpson told Yellowhammer that this week's Airbus announcement does not have an immediate impact on the number of jobs at the facility, but that it was a great sign of things to come.

In similar news, Airbus' main rival, Boeing, which also has a significant presence in Alabama, said it expects to deliver somewhere between 715-725 aircraft this year, an increase of at least 10% over 2013 — more potential good news for Alabama's standing as a budding aerospace juggernaut.

Long waits frustrate callers to health exchanges (AP)

ANNAPOLIS, Md. — For those trying to enroll through online health exchanges, help has long been advertised as just a phone call away.

Yet the challenge in some states has been trying to get a call through at all, never mind the multiple transfers once contact has been made.

Long wait times of an hour or more have been commonplace in some states, primarily those running their own health care exchanges. California, Maryland, Minnesota, Nevada and Washington are among

the states in which consumers and insurance agents have complained. One consequence is that people just give up because they are unable to wait indefinitely.

"If I had to use one word, I'd use 'frustrating,'" said Jacki Manley, a stay-at-home mom in the western Maryland town of Keedysville, who has been trying since mid-December to enroll in a health plan through that state's health exchange.

With a child who is almost 3 and another who is 5 months, the 20 minutes she can spare on hold often have not been enough. She estimates she has reached someone at the Maryland call center three out of about a dozen times she has called, but then she gets passed between different people and cannot get definitive answers to her questions.

"It just seems like all the right connections aren't being made," Manley said, adding that she believes she has successfully enrolled her children but is unsure whether she and her husband have been enrolled after more than two months of trying.

Manley said she has given up calling. Now, she uses Facebook to try to get the help she needs.

The telephone frustration is just one more obstacle consumers are facing as the March 31 deadline for open enrollment approaches. Technical glitches and software meltdowns on the federal and some state-run exchanges deterred many people from signing up after enrollments under the federal Affordable Care Act began in October.

With many of those technical problems solved, enrollments across the country have been brisk since the start of the year. Yet even with 4 million signed up for policies through the exchanges, the Obama administration will be challenged to meet its own projection of 7 million enrollees by the deadline.

Long wait times for consumer won't help.

In California, an operational review of the state-run exchange's first three months showed consumers waiting 45 minutes to an hour for an employee to answer, and insurance agents have said they have waited hours to make human contact. The exchange's goal was to answer 80 percent of the calls within 30 seconds.

"We did not meet our standards," said Yolanda Richardson, Covered California's chief deputy executive director.

The most recent statistics, from the first week of February, show the average wait time for those dialing in to a California call center at about 47 minutes.

Sherrie Larsen, a 49-year-old truck driver in Tacoma, Wash., said the first time she called the exchange, she was told after waiting an hour and 27 minutes that the computer system was down, and she would have to call back. She called the state insurance commissioner's office to complain, and said she didn't get a lot of help or understanding there. The next day, Larsen called the exchange again, and was told the wait time would be about 29 minutes. After more than an hour on the phone, she finally got the help she was seeking, but no apology or explanation.

"It's very, very, very frustrating," Larsen said.

In Nevada, Claudia Lamb complained publicly about spending more than 100 hours on the phone to a call center, then waiting by her phone for hours more for return calls that never came.

Lamb and her husband first tried to apply in early October when the system went live, but she only received confirmation they had been insured on Feb. 12. That was 129 days after she first applied.

"I once waited three hours and 40 minutes to get through to a manager who cycled the problem back through to his subordinate," Lamb testified about her experience with Nevada Health Link, the state's exchange. "The subordinate's solution was to do another application."

Wait times for call centers on the federal marketplace that is running in 36 states have been much shorter to reach a customer service representative. The average wait time in October was just more than one minute, dropping to 38 seconds in November. It rose to about eight-and-a-half minutes in December, when more people were trying to get coverage for Jan. 1.

The federal call centers have about 14,000 employees.

Maryland's problems have been particularly embarrassing because officials there were quick to support President Barack Obama's health care overhaul.

Gov. Martin O'Malley, a term-limited Democrat who is weighing a White House bid, and Lt. Gov. Anthony Brown, who is running to succeed him, had hoped to make Maryland a national model for health care implementation. Instead, the state has had one of the rockiest rollouts of the 14 states operating their own exchanges, with the call center problems coming on top of constant problems with the online enrollment portal.

For example, some Maryland residents early on were prompted erroneously on the exchange website to seek help by calling a telephone number that led callers to the owner of a pottery shop in Seattle.

The disastrous rollout forced the previous director of the Maryland exchange to resign.

Officials in some states, including Maryland, Nevada and California, have taken steps to address the long wait times.

Nevada has boosted its call center staff from 50 to nearly 250, and wait times reportedly have been reduced significantly. California is adding 350 to 400 more call center employees by the end of March, while Maryland has tripled the number of call center employees from 120 to about 360 at the state's call center in Baltimore, said Carolyn Quattrocki, the interim director of Maryland's health exchange.

Quattrocki said she is optimistic the boost in staff at Maryland's call center, expected to cost about \$6 million, will be enough to handle the expected increase in activity as the enrollment deadline nears. She said wait times and abandonment rates have gone down since the middle of January.

Covered California also created a dedicated phone line for insurance agents and counselors, increased the number of bilingual staffers and added an online chat feature to help take pressure off the phone lines. Exchange officials there said they were somewhat surprised by consumer behavior that exacerbated the long wait times.

They designed the exchange so people could shop, compare, select a plan and be done with the process in one stop. Instead, they found that people often had questions after visiting the website and wanted to speak to someone by phone. They often called back two or three times before selecting an insurance plan, adding to the volume of calls coming into the service centers.

Still, Covered California Executive Director Peter Lee said the exchange is not making excuses and is working hard to reduce wait times.

"We've heard their concerns," Lee said. "We've stepped up to say we're going to make it right."

'Mommy lobby' emerges as a powerful advocate for medical marijuana for children

By Ariana Eunjung Cha, Published: March 2

Standing in a Wisconsin State Capitol hearing room surrounded by parents hugging their seriously ill children, Sally Schaeffer began to cry as she talked about her daughter.

Born with a rare chromosomal disorder, 6-year-old Lydia suffers from life-threatening seizures that doctors haven't been able to control despite countless medications. The family's last hope: medical marijuana.

Schaeffer, 39, didn't just ask lawmakers to legalize the drug. She begged.

"If it was your child and you didn't have options, what would you do?" she said during her testimony in Madison on Feb. 12.

The representatives were so moved that they introduced a bipartisan bill to allow parents in situations similar to Schaeffer's to use the drug on their children.

Emboldened by stories circulated through Facebook, Twitter and the news media about children with seizure disorders who have been successfully treated with a special oil extract made from cannabis plants, mothers have become the new face of the medical marijuana movement.

Similar scenes have been playing out in recent weeks in other states where medical marijuana remains illegal: Oklahoma, Florida, Georgia, Utah, New York, North Carolina, Alabama, Kentucky.

The "mommy lobby" has been successful at opening the doors to legalizing marijuana — if only a crack, in some places — where others have failed. In the 1970s and '80s, mothers were on the other side of the issue, successfully fending off efforts to decriminalize marijuana with heartbreaking stories about how their teenage children's lives unraveled when they began to use the drug.

Mothers have long been among the most powerful constituent groups in the United States, and the reason is clear. Groups such as Mothers Against Drunk Driving are able to draw so much public support because they tug at a universal human emotion: the desire to protect children from harm. And while national gun-control efforts after the Sandy Hook massacre faltered, mothers' groups worked to keep the issue on the public radar, helping to get some new measures passed at the state level.

Today, mothers are fighting for access to the drug, and they have changing public attitudes on their side. For the first time, a majority of Americans in opinion polls say they support the full legalization of marijuana.

Last year, Colorado and Washington state made marijuana fully legal, and there has been a groundswell of support in several states for ballot initiatives or legislation to do the same, including some in the conservative South.

Medical marijuana is now legal in 20 states and the District of Columbia. The diseases and conditions for which it can legally be used are limited and vary by jurisdiction. Most states have additional requirements for children: Instead of one prescription, parents must get two from different doctors.

Even in states where marijuana is available for children, the mothers say it is often a challenge to convince physicians that the potential benefits outweigh the risks.

The drug the mothers are seeking is an extract that contains only trace amounts of the part of the plant responsible for the euphoric effect of the drug but is still high in cannabidiol, or CBD — a substance that scientists think may quiet the electrical and chemical activity in the brain that causes seizures. Instead of leaves that are smoked, it is a liquid that is mixed in food or given to a child with a dropper.

The prospect of treating large numbers of children with this substance has alarmed medical organizations and anti-drug groups that say the potential dangers of prescribing an untested and unregulated treatment for young children are being lost in the conversation.

Little is known about the effects of marijuana on children; most studies have looked at teenagers who use it illicitly.

Much of the concern centers on the developing brain: Marijuana use has been linked to higher rates of mental illness, including thought disorders, depression and anxiety, as well as — according to one prominent study published last year — diminished IQ over time.

“There’s a lot of misinformation and emotion in this issue, rather than a focus on science,” said Kevin Sabet, an outspoken opponent of marijuana legalization who is director of the Drug Policy Institute at the University of Florida and was a former senior adviser for drug policy in the Obama administration.

The epilepsy community is divided on the issue. The Epilepsy Foundation, which represents patients and their families, said in late February that it backs efforts to legalize medical marijuana for use in pediatric epilepsy patients. But the American Epilepsy Society, which represents physicians and other professionals working in the field of epilepsy, says the treatment “may not be advisable due to lack of information on safety and efficacy.”

Sharon Levy, an assistant professor of pediatrics at Harvard Medical School and chair of the American Academy of Pediatrics committee on substance abuse, said she’s a strong proponent of studying and developing medications from the active ingredients in marijuana. But she does not support the idea of

parents choosing the plant they think would be best, making their own oral preparations and guessing at proper dosage without knowing long-term side effects.

“It is a bad idea. When I look at the accumulation of studies about marijuana and children, I am very concerned,” she said.

Levy said she understands that efforts to develop and test marijuana--based treatments for the disorder may not be moving fast enough for some children with severe epilepsy. But she said that the fact that there are flaws with the regulatory system means that we should fix the system rather than bypass it.

“We shouldn’t forget that the regulatory system was put in place for a reason,” Levy said. “The history of medicine is littered with stories of ‘medications’ that had terrible long-term impacts.”

Charlotte’s story

Stories about the promise of marijuana for seizures have been circulating as far back as the 19th century, but it wasn’t until two years ago, when Paige Figi, a Colorado mom, began posting online stories about her child’s experiences with the treatment, that other families began to take notice.

Of the 2.3 million Americans living with epilepsy, more than 1 million of them have seizures that can’t be controlled by modern medicine. Figi’s daughter, Charlotte, was one of them.

Diagnosed with a rare condition called the condition known as Dravet syndrome, Charlotte, then 5, was suffering from more than 300 seizures each week. She used a wheelchair, could only say a few words and had gone into cardiac arrest more than once. Desperate after doctors told them there was nothing more they could do, Figi and her husband, Matt, turned to medical marijuana.

They began to give Charlotte a few drops of an extract made from a strain of marijuana that was high in CBD, which is thought to be medicinal, and low in THC, the component that creates a high, twice a day with her food. They were surprised when the seizures nearly stopped.

As Charlotte’s miraculous story spread, more than 100 families relocated to Colorado Springs, where the dispensary selling the substance is located. Across the country, parents are holding bake sales, benefit concerts and other fundraisers to try to raise money for the treatment; it can cost several hundred dollars a month to purchase the extract. A nonprofit foundation formed to assist those seeking the drug said that 187 pediatric patients are being treated and that there is a waiting list of more than 3,000.

Figi and Joshua Stanley, the grower who co-created the strain that is being used in the treatment — now known as “Charlotte’s Web” — have become heroes in the epilepsy community.

At the invitation of mothers, Figi and Stanley have been traveling around the country, telling Charlotte’s story to lawmakers in other states.

“It’s very emotional,” Figi said of the hearings. “Everyone’s handing out tissues — especially when someone comes who has lost a child to seizures, and they are coming out to support this effort.”

Stanley, 38, runs the Stanley Brothers, one of Colorado’s biggest growers, with five of his brothers. He recently started Strains of Hope, a nonprofit organization that is dedicated to trying to get governments around the world to legalize the use of marijuana for medical purposes. As a first step, he said he is working with partners in Jamaica, where he hopes the extract could be available for free to children who need it as soon as the end of this year.

“Children should not be dying because of these antiquated laws,” he said.

But beyond all the heartbreak and hope lies the question of whether the treatment works. And if so, how?

Stanley declined to release any detailed numbers about how effective the treatment has been, but he said nearly every child with epilepsy who took the extract experienced a reduction in seizures.

There is some medical support for such a claim. There are several thousand published studies showing the potential benefits of marijuana for some conditions, and animal studies have shown that using CBD can stop seizures. Marijuana is made up of hundreds of components, with about 80 classified as cannabinoids unique to the plant, which scientists think activate specific receptors in the brain and other parts of the body to produce physiological and behavioral effects.

Heather Jackson, executive director of a foundation that is dedicated to research, education and advocacy for Charlotte’s Web and other marijuana-derived medicines, said the organization has begun to communicate with partners about the possibility of starting clinical trials for the treatment.

“We know that, in order for the treatment to be accepted by the medical community, there has to be more testing, but because it’s marijuana, there has been a lot of red tape,” she said.

GW Pharmaceuticals, a British company, received FDA approval in December to begin clinical trials of a medicinal form of marijuana for children with epilepsy at New York University’s Langone Medical Center, the University of California at San Francisco and other locations.

But the trials are limited, and many mothers said they tried to enroll but were told the trials were full.

Proposals for the future

One of the first things Schaeffer told lawmakers when she stepped up to the podium in the hearing room in Madison was that she had never smoked marijuana. She wanted to make it clear that she wasn't part of a more radical movement that aims to legalize recreational marijuana.

Like many of the mothers involved, Schaeffer said she supports legalizing medical marijuana for everyone but would be happy with a narrow law that authorizes the use of a specific kind of marijuana treatment for children.

Schaeffer's daughter, Lydia, has a rare form of epilepsy that makes her have seizures when she sleeps. Doctors have told the family that the only treatment option is a surgical procedure that would remove part of her brain. They warned Schaeffer and her husband that such a treatment might end up leaving her more disabled — the surgery could blind her, for instance. Moving the whole family outside Wisconsin to a state where medical marijuana is legal is not an option, they said, because they own a small landscaping business in Burlington and Sally Schaeffer's parents live nearby.

She said that if the bill does not go through this session, she may move to Colorado with her daughter and her husband may have to stay behind with their two sons.

"If I have to wait, I worry, what if my child doesn't make it? It is heartbreaking to think of losing your child from a seizure when you know the medication is out there that could help them," Schaeffer said.

Wisconsin state assembly member David Murphy, a Republican, said he signed on to be a co-sponsor of the bill after hearing about the mothers' plight.

"I am not in support of legalizing marijuana and have not supported medical marijuana up to this point, but common sense tells me this is not remotely the same thing as that," Murphy said.

While the mothers have received almost universal sympathy wherever they go, the proposed solutions to their problems differ by state.

In Wisconsin, the state committee on children and families passed a bill last week to allow the use of CBD oil in the treatment of seizure disorders. In Utah, state lawmakers have talked about importing the extract from Colorado and having the health department administer it as an herbal supplement.

In New York, Gov. Andrew M. Cuomo (D) has proposed a plan to use existing law to allow 20 hospitals to dispense the drug.

None of these are permanent solutions, the mothers say.

Even those who live in one of the states that allow medical marijuana say there is a need for change.

The main issue is that many parents think that only certain strains or formulations may work for their children, and, because marijuana is classified as a controlled substance, they can't move the drugs across state lines — limiting not only their treatment options but medical research.

"This is not how medical care is supposed to work in the United States. You shouldn't have to watch your child suffering and be told you can't have the medicine that can help because you live in the wrong state," said Colleen Stice, 35, a former payroll manager in Tulsa who quit her job to take care of her 14-month-old son, Rowan, after he began to have seizures.

She said she and her husband are ready to move to Colorado if legislation is not approved in Oklahoma, but she worries about what might happen if a different drug that works better is developed in another state. Would they pick up and move again?

The only answer to this patchwork system of access to medical marijuana treatments, the mothers say, is federal intervention.

They are asking the FDA to speed up the approval process for drugs based on CBD, requesting that the National Institutes of Health dedicate more money to this type of research and urging the Drug Enforcement Administration to reclassify marijuana so that it can be moved around more easily.

This month, the mothers will bring their fight to Washington. Dozens are planning to fly in from across the country to meet with key legislators on Capitol Hill and hold a march across the city. They plan to bring their children.