

Remember Me ☒

Albuquerque Journal

APS to pay \$750K to settle abuse lawsuit

By [Kim Burgess / Journal Staff Writer](#)

Published: Monday, November 30th, 2015 at 11:45pm

Updated: Tuesday, December 1st, 2015 at 10:39pm

Copyright © 2015 Albuquerque Journal

FOR THE RECORD: *The District Attorney's Office would be responsible for refiling charges against former Albuquerque Public Schools teacher Kenneth Jehle, who was accused of inappropriately touching a special education student. This story incorrectly reported that it would be the Attorney General's Office that could refile charges.*

The family of a special education student who says she was inappropriately touched by her teacher has received a \$750,000 settlement in a lawsuit that claims Albuquerque Public Schools administrators ignored repeated complaints about the man spanning a decade.



JEHLE: Claims civil rights not violated

A District Court judge approved the settlement last week in the case against APS; the accused teacher, Kenneth Jehle; and principals Steve Scully and Sam Obenshain.

Laura Ives, the family's attorney, said the case goes beyond Jehle, highlighting the district's failure to properly track problem teachers.

Jehle was the subject of numerous allegations at three schools over more than a decade, including claims that he had touched students' breasts and legs and put his fingers in their mouths, according to the suit.

"That he was able to continue working as a teacher is astonishing," Ives said in an interview.

The lawsuit contends that Jehle was protected by Obenshain, his supervisor at Harrison Middle School and Cottonwood Classical Preparatory School.

The two socialized in their off hours, and Obenshain repeatedly professed his confidence in Jehle, at one point ripping up a student petition demanding Jehle's ouster from Harrison, according to the suit.

Jehle went on to Taft Middle School in 2013, where he reportedly targeted a 13-year-old special education student, who was in his sixth-grade English class, the suit says.

Court documents describe escalating harassment of the girl.

Over several months, Jehle reportedly tried to force her to sit on his lap, commented on her good looks, pulled a cellphone from her back pocket, slapped her bottom, touched her legs and, finally, ran his hand across her genitals.

Ives credited the girl and her mother with finally getting Jehle removed from the classroom in 2013.

“It was only as a result of them coming forward that Kenneth Jehle is out of the public schools,” she said. “He has a long history of demonstrating that he should not be around children.”

Albuquerque Public Schools did not respond to questions about this case and district policy regarding such allegations. Obenshain, who is still at Cottonwood Prep, did not return a call requesting comment.

In a motion to dismiss the suit, Jehle claims that while the allegations are “troubling,” they are not “so severe or egregious so as to literally shock the conscience of a federal judge” and, thus, do not rise to the level of violating the rights of the student.

Police report in 2002

Concerns about Jehle date back to 2002, when he reportedly twisted a girl’s arm while working as a special education teacher at Harrison, according to the lawsuit.

The student reported the incident to administrators and showed them scratch marks and indentations, the lawsuit states.

An APS resource officer got corroborating accounts from other students and filed a police report, but Jehle was not charged.

Girls in Jehle’s classes also reported a variety of inappropriate behaviors, including rubbing up against them, staring at their chests and touching one student’s breast.

Jehle talked openly about traveling to Thailand to marry a young bride, then divorcing her “when he grew tired of her,” according to the lawsuit.

He also faced allegations of sexual harassment from co-workers.

Still, Obenshain did nothing, according to the suit.

“Harrison staff members observed that Obenshain swept the allegations under the rug and/or would retaliate against staff members who brought concerns about Jehle to his attention,” the lawsuit states.

Obenshain moved on to Cottonwood Classical Preparatory School, a state charter school in northeast Albuquerque, and he hired Jehle in 2012.

The lawsuit claims that Jehle continued the same pattern – giving female students “stripper names” and commenting that one had “a nice bubble butt,” in front of her classmates.

One boy reported the conduct to his parents, who met with Obenshain to complain.

The principal dismissed them, saying “he was good, longtime friends with Jehle and that he had fielded other complaints regarding Jehle’s conduct with female students, but that he was not concerned and trusted Jehle,” the suit states.

The parents were so upset at the lack of response that they withdrew their son from the school the following day.

No disciplinary action was taken against Jehle, who soon moved again, this time to Taft Middle School.

More accusations

Jehle reportedly was quick to take an interest in the 13-year-old, who has a learning disability and receives nearly all of her instruction from special education teachers.

He first tried to get her to sit on his lap in “the cuddle chair” – a place students went to calm down when they were upset, according to court documents.

In February 2014, Jehle “cornered her and lightly slapped her stomach, her upper thigh and finally once on the buttocks,” the lawsuit states.

Classmates told the girl that Jehle often stared at her bottom.

He commented to the girl’s mother that boys were noticing how pretty she is, and they needed to address it.

Jehle’s behavior escalated in March 2014, when he reportedly made a move to hand her lip gloss, then dropped it in her lap and intentionally slid his hand across her genitals, the suit said.

She reportedly asked, “Did you really just touch me there?” Jehle just laughed and walked away, the suit said.

The girl reported the touching to Scully, Taft’s principal, who waited a day to contact her mother and law enforcement, according to the suit.

In his motion to dismiss the suit, Jehle claimed that such actions as taking the girl’s cellphone, sitting in the cuddle chair and telling the mother that boys found her daughter attractive were not obviously sexual in nature.

But Jehle was charged with criminal sexual contact with a minor and eventually fired by APS.

Roughly six months later, he was also hit with six counts of child abuse and six counts of contributing to the delinquency of a minor after he was accused of masturbating in front of a 12-year-old.

The charges have been dropped, but the District Attorney’s Office can refile them.

Ives said that she will press for Jehle to face the full extent of the law.

The settlement in the lawsuit, filed in November 2014, is a positive step that “does not fix what happened to this young girl, but will allow her to get the treatment she will need going forward,” Ives said.

Ives stressed that she hopes the case will push APS to clarify its policies on proper administrative responses to repeated allegations that a teacher has inappropriately touched students.

The lawsuit faults the district for not training personnel to recognize and report signs of sexual abuse.

It also contends that APS does not have a tracking system to “ensure that a teacher who has been the subject of multiple complaints is not rehired.”

A spokeswoman for the New Mexico Public Education Department said that student safety “is a top priority.”

“PED takes any allegations of misconduct seriously, and investigates any complaint made against any New Mexico teacher who holds a license,” spokeswoman Aimee Barabe wrote in an emailed statement.

Ives said that stopping perpetrators sooner should be the focus.

“We hope in the future that when somebody is demonstrating the same patterns as Kenneth Jehle, that they scrutinize his employment,” Ives said. “It should not take a girl and her mom to do this.”