MIDWEST DIGEST

HHS Gets $638K Bonus For 2009 Adoptions

LINCOLN, Neb. (AP) — The Nebraska Department of Health and Human Services has been given a nearly $638,000 bonus by its federal counterpart for finding adoptive parents for more foster kids.

Todd Reckling, director of HHS' Division of Children and Family Services, said Thursday that the money will help staff continue to find families for an estimated 302 foster kids awaiting adoption.

States are given adoption bonuses for exceeding the number of adoptions in the baseline year, in this case 2007. A release from HHS says 494 children were adopted in 2009, compared to 462 in 2007.

Sprint Rejects N.A. Telecom Offer

SIOUX FALLS (AP) — A central South Dakota telephone company in a legal dispute with a national wireless carrier says Sprint Nextel Corp. rejected its settlement offer.

Sprint alleges in its lawsuit that Native American Telecom LLC operated a scheme to obtain more money from the communications giant.

Native American Telecom disputes the claim. The tribal business that serves the Crow Creek Reservation offered to charge 1 cent per minute for calls instead of a 5-cent rate common for a rural area. Attorney Scott Swier says Sprint did not accept the offer.

Sprint spokesman John Taylor told *The Argus Leader* that the company doesn't comment on litigation.

Coach Won't Change Religious Message

LINCOLN, Neb. (AP) — Nebraska assistant coach Ron Brown says he's not going to change the message he shares with students after ACLU Nebraska raised concerns about its religious elements.

ACLU Nebraska sent letters to state school districts warning them not to require students to listen to speakers like Brown who proselytize to students while delivering anti-drug and -alcohol messages.

Brown told the *Lincoln Journal Star* that he shares his faith in Jesus Christ whenever he gives speeches. But when he plans to talk about his faith, Brown says he asks schools to make attendance at his speeches optional.

Brown helped found Mission Nebraska, which is a nonprofit that spreads a Christian message.

McGovern Honored By Fed. Ag Department

SIOUX FALLS (AP) — Former U.S. Sen. George McGovern is among five people inducted into the federal Agriculture Department's Hall of Heroes this week.

Agriculture Secretary Tom Vilsack says the hall recognizes those who have had a lasting impact on agriculture and related programs. He credits McGovern's work to end hunger both at home and abroad.

McGovern was a South Dakota congressman from 1957-1961, senator from 1963-1981 and the Democratic presidential nominee in 1972.

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Report: Neb.'s Medicaid Costs Overestimated

BY MARGERY A. BECK
Associated Press Writer

LINCOLN, Neb. — A report commissioned by the state forecasting that federal health care reform will increase the state's Medicaid costs by hundreds of millions of dollars over the next decade was based on "an over-the-top assumption" and seriously flawed, a Medicaid expert said.

The prediction of skyrocketing state costs overestimates the number of new Medicaid participants and the cost per enrollee, said Dr. Leighton Ku, a professor at the School of Public Health and Health Services at George Washington University and director of the Center for Health Policy Research.

High-end estimates in the report by actuarial firm Milliman Inc. are based on the assumption that every Nebraska resident who is eligible will enroll in Medicaid — a scenario Ku said is "just ridiculous and should be ignored."

"No voluntary program ever experiences 100 percent participation; that is just an over-the-top assumption which can only lead to overestimates," he said.

Ku's analysis of the Milliman report was done for First Focus, a nonprofit children's advocacy group, which supports health care reform.

Republican Gov. Dave Heineman, a vocal critic of the health care overhaul passed earlier this year, has often cited the Milliman report in his call to repeal the law.

The Nebraska Department of Health and Human Services paid $47,000 to have Milliman compile the report, which came up with the overall cost estimates of $526 million to $766 million through 2020 on the assumption that between 108,000 and 145,000 more Nebraska residents will enroll in Medicaid. Currently, about 229,000 people are covered by Medicaid.

"Milliman was hired to provide an actuarial impact of health care reform to Medicaid in Nebraska. We believe it accurately reflects the costs," said Kathie Osterman, a spokeswoman for the state health agency.

Ku said a national study released in May by the Kaiser Commission on Medicaid and the Uninsured — which has a much lower estimate of additional Medicaid costs — is more feasible. That report estimated that Nebraska's state-funded portion of Medicaid would increase by between $106 million and $155 million from 2014 to 2019.

Neb. School District Faces Trial Over Sex Assault

BY TIMBERLY ROSS
Associated Press Writer

OMAHA, Neb. — Millard Public Schools faces a December trial in a federal lawsuit brought by a former student who says he was sexually assaulted by a middle school teacher.

The lawsuit filed by "A.B." says the school district knew Stephanie Draper was having inappropriate contact with students for years but did nothing to stop it. As a result, the filing says, the district was negligent and contributed to the victim's 2002 sexual assaults.

District spokeswoman Amy Friedman said Thursday that Draper had been employed there from August 1996 until her resignation in February 2008. Further comment was referred to school district attorney David Welch, who declined to provide details about when the district became aware of alleged assaults and what action was taken.

Court records filed by the district deny wrongdoing and say school officials had no knowledge of Draper's alleged, inappropriate relationships with students.

Draper, 37, pleaded no contest in December to state charges of contributing to the delinquency of a minor and procuring alcohol for a minor in the alleged assaults against A.B. She is serving consecutive one-year sentences. The state Department of Correctional Services lists her anticipated release date to be in February.

Documents filed in that case in Sarpy County District Court say Draper had inappropriate and sometimes sexual contact with two other male students dating to 1997. One of those students told his parents and school officials about Draper's advances, the filing says.

Draper developed a relationship with A.B. starting in early 2002, when both were at Millard North Middle School, that led to a serious of sexual assaults, according to court filings.

The federal lawsuit, which was filed in September 2008, says "since at least April 2002 (Draper) had been 'grooming' A.B., then a student in MPSD, for eventual molestation" and used her position as a teacher to gain the trust of A.B. and his family.

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The information provided is not an offer to sell securities in South Dakota Wind Partners, LLC. Investors who wish to purchase securities in South Dakota Wind Partners, LLC must be residents of South Dakota and may only invest after receiving and reviewing a prospectus.

S.D. Court Upholds Sex Offender Conviction

BY CHET BROKAW
Associated Press Writer

PIERRE — A Sioux Falls man's convictions and 325-year prison sentence for raping young boys were upheld Thursday by the South Dakota Supreme Court.

Todd Brim was convicted last year of 10 counts of second-degree rape and five counts of sexual contact with a child younger than 16. Circuit Judge James W. Anderson sentenced Brim to 25 years on each rape count and 15 years on each contact count, with the sentences to run one after another for a total of 325 years.

Witnesses said Brim abused children from his neighborhood when they visited his house to watch television, play computer games or stay overnight with him. Brim, who was a registered sex offender because of a previous conviction, also abused the children at his workplace and in several hotels in Sioux Falls, witnesses said.

Brim, who denies abusing the children, argued that he should have been acquitted because prosecutors were too vague about when the alleged abuse occurred.

But the Supreme Court said courts have recognized that it is often impossible to determine the dates of crimes involving sexual abuse because children often cannot remember the precise time and date. An indictment should be as specific as possible, but time is not a material element of crimes involving sexual abuse of minors, the justices said.

The lack of precise dates did not deprive Brim of his defense, which was a complete denial of any abuse during the years covered by the indictment, the high court said.

Brim questioned the credibility of the children, but the jury believed the children, the Supreme Court said.

Brim also contended his lengthy sentence violates the constitutional ban on cruel and unusual punishment. But the high court said the sentence for each count was within the range allowed by South Dakota law. The trial judge also acted within the law when he set the sentences to run consecutively, the justices said.

"Furthermore, the trial court had the benefit of a pre-sentence investigation, and the sentence, while harsh, was appropriate given the gravity of Brim's offenses, the effect these offenses have on society, and Brim's very high likelihood of recidivism," Justice Glen A. Severson wrote for the court.

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