

Death reveals danger of goals

EXHIBIT E-2

Mooring key, agency says

SCARLET SIMS ARKANSAS DEMOCRAT-GAZETTE

No one worried about the old, movable soccer goal in a field beside Elm Tree Elementary until Wednesday, when the metal frame fell on a fourth-grader during the last recess of the school day.

Jonathan Nelson, 9, died an hour later.

"I don't think anybody ever really saw the danger of a soccer goal," said Scott Passmore, facilities director for the Bentonville School District. "The goal was used everyday. It was part of the playground."

Nationally, there were nine children under age 16 killed in accidents involving moveable soccer goals between 1998 and mid-2010, said Patty Davis, U.S. Consumer Product Safety Commission spokesman. The organization reported about 2,000 injuries serious enough for an emergency room visit during the same time period, she said.

The agency routinely issues news releases noting the dangers of the goals, according to its website.

"The most important thing is to make sure the soccer goal is securely anchored," Davis said.

The soccer goal at Elm Tree was not anchored, police and school administrators say. The federal government opened an investigation Thursday into who made the goal and why it killed Jonathan, Davis said.

The Arkansas Department of Education had not considered soccer goals an issue because no district has had an accident like what happened in Bentonville, said department spokesman Julie Johnson-Thompson.

"We've not had any incident like this ever," she said.

Neither the Education Department nor the Arkansas Department of Health tracks child deaths by whether they happen on school playgrounds, spokesmen for the departments said.

Police are still investigating whether Nelson was playing on the goal or was simply playing soccer around it, said Lt. Jon Simpson, lead investigator with the Bentonville Police Department.

The boy was struck on the head and neck, Simpson said. He had a pulse when he was taken to the hospital about 2:30 p.m. Wednesday, but he died at the hospital, said Benton County Coroner Daniel Oxford.

The witnesses are children, mostly under age 10, Simpson said. A teacher was monitoring the children on the playground but did not see the accident, Oxford said.

It is possible children were climbing on the goal, he said.

"It wasn't a danger of just tipping over on its own, and it wasn't blown over by wind," Oxford said.

Bentonville school employees removed the goal to a secure facility early Thursday morning and inspected the rest of the school district's moveable goals, Passmore said. Officials found several soccer goals that were not properly anchored, he said. Those goals were either removed or anchored.

If the goals that were removed are replaced, the new goals will be anchored permanently with concrete, he said.

School districts are responsible for maintaining their own equipment, including making sure soccer goals are properly anchored and constructed, Johnson-Thompson said. The department's Division of Public School Academic Facilities and Transportation monitors school playgrounds and points out hazards such as exposed bolts or tree roots, but no inspector has visited Elm Tree,

she said.

The state division is about five years old, and its inspection program is younger than that, she said.

"We do go on playgrounds," Johnson-Thompson said. "We've got few inspectors and lots of schools."

School Board members have yet to meet to discuss the safety of the district's playground equipment, said board member Scott Packnett. Addressing safety issues could be complex because community members use the district's property, like the soccer and baseball fields, and equipment may be mingled, School Board President Travis Riggs said.

It's not uncommon for community groups to donate or provide equipment to the school district, Passmore said. But it becomes school property once it's on school grounds, he said.

Board members await details about the accident and could hear more about the equipment during a facilities meeting today or during a board meeting Feb. 22, Packnett said.

The school district and its teachers cannot be sued for wrongdoing, according to Arkansas Code 21-9-301, said Paul Blume, general counsel for the Arkansas School Boards Association. If the school has insurance, however, the company might have to pay, he said.

There were no warnings signs that the soccer goals were unsafe, Packnett said.

"To my knowledge as a board member, I've not heard any incident or concern about this happening," he said.

The goal, which is made of 2-inch, square metal piping, appeared to be handmade with no model numbers or identification, Passmore said. The goal is at least 15 years old, and school officials don't yet know from where the goal came or who built it, he said. The goal did not appear to have been moved recently, Simpson said.

Officials could not say how much the goal weighed but a majority of movable soccer goals are constructed of metal and weigh between 150 pounds and 500 pounds, according to ASTM International, formerly the American Society for Testing and Materials. The group studies ways to improve standards for products, according to its website. The group studied moveable soccer goals in 2001.