

1/26/23

Dear Dr. Ebert,

As you know, there is a deceptive campaign in the Kiel Area School District that is attempting to portray our situation as “reason to celebrate”. Some loudly proclaim our leadership is literally infallible, to help them maintain their positions. Milwaukee media spin narratives are attempting to influence our local elections. Madison dollars are flowing into Kiel by the thousands, supporting the political committee that is coordinating it all behind the scenes.

For the public good, overcoming this orchestrated deception requires revealing the truth to our community. **An informed citizenry by definition must know the relevant facts**, some of which are outlined below. Both sides of the story should be heard.

To be clear, I am not calling for anyone’s termination, which is the Board’s prerogative. I do apologize to the extent that the necessity of setting the record straight casts a shadow on your public image as well as that of some Board of Education members and their appointee.

To the best of my knowledge and belief, everything in this formal complaint is factual. **Please bring any relevant factual or contradictory evidence to my attention, and I will amend this complaint accordingly.**

This formal complaint includes attachments that document specific allegations of **failure to comply with district policies as listed below**:

- 1) The stipulated Corrective Action Plan (CAP) (exhibit A) mandates at least four KASD policy amendments and was signed by the KASD District Administrator who according to policy # PO 0131.1. (exhibit B) does not have the authority to make policy amendments.

Therefore, **the signing of the CAP by Dr. Ebert appears to be a violation of KASD policy #PO 0131.1.**

Note that at the 1/4/23 BOE meeting Amy Wempner revealed that she was the redacted signatory to the CAP, which she described as a “contract”.

Note that the noncompliant CAP **mandated** the controversial lessons of the controversial GLEC/MAPS “consultant” or an equivalent be **forced onto every single student and teacher in our district**, against the written objections of 837 concerned citizens. (exhibit C)

- 2) Dr. Ebert’s annual +/- \$200,000 overall value contract with the KASD BOE (exhibit D) states the following-

Under the heading CONTRACT TERMINATION:

Reasons constituting just cause for discharge include, but are not limited to:

7. Willful violation of Board written policies, rules, and directives.

Therefore, according to his contract, Item #1 above appears to constitute “just cause for discharge” of the district administrator.

- 3) Dr. Ebert held steadfast to his apparently policy violating actions of item #1 above for well over a year, even after the public repeatedly questioned his actions.

Amy & Dan Wempner’s 1/5/23 letter to the editor states “We have not seen a single incident where Dr. Ebert promoted or even suggested that KASD break the [CAP] *contract* that was signed. In fact, we have seen the opposite.”

Therefore, according to the Wempners, Brad’s ongoing policy violation appears to have been premeditated and deliberate, which would constitute a further and intentional **violation of his contract,** specifically item #7 of the CONTRACT TERMINATION section, **which further appears to constitute “just cause for discharge” of the district administrator.**

- 4) Policy #po0131.1 states “The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be included in the minutes of the Board.” (exhibit B)

If the CAP was indeed a KASD contract as confirmed by the Wempners, the **2021 BOE led Dan Meyer appears to have violated district policy #0131.1 in every single one of the 7 months they failed to include Dr. Ebert’s “legally” binding policy modifications “in the minutes of the Board”.**

- 5) **The 2021 BOE led by then President Dan Meyer never validated the actual CAP contract as a whole,** (exhibit E) let alone admitted that they followed it to the letter, apparently intentionally concealing their true action plan from the public for months, **which appears to be a violation of policy #0131.1 (exhibit B) as well as ETHICS Policy #po0144.2 (below)**

Policy #po0144.2 - BOARD MEMBER ETHICS

As members of the Board of Education, Board members will…:

…M. lead by example in supporting the spirit of District policies, rules, and codes of conduct.

- 6) Policy #po0167.2 - CLOSED SESSION states:
Each closed session requires a majority roll-call vote of the Board and may be held to:
C. consider the employment, promotion, compensation, or performance-evaluation data of any employee (19.85(1)(c));
In keeping with the confidential nature of closed sessions, **no member of the Board shall disclose to anyone the content of discussions that take place during such sessions.**

At the 1/4/23 BOE meeting board member Stuart Long stated publicly “An evaluation has been conducted every year for Dr. Ebert [in closed session] and every year, every year that review has been more than satisfactory, it has been **exemplary.**”

- a) Therefore it appears board member Stuart Long violated both **policy # po0167.2 and Ethics policy #0144.2** when he made the above **“exemplary” public statement.**
 - b) Based on board member Stuart Long’s apparently policy violating quote above, it appears that **the 2021 BOE FAILED to include the facts of items #1 & #2 & #3 above in their “exemplary” performance reviews, which might constitute gross negligence on behalf of the Board of Education, in violation of Ethics policy #po0144.2 and other policies and board responsibilities.**
 - c) With it’s **“exemplary” performance review, the 2021 BOE FAILED to take disciplinary or other corrective actions related to items #1 & #2 & #3 above, which appears to be a violation of Ethics policy # po0144.2 and other policies and board responsibilities.**
- 7) Note that both district administration and BOE members implied and stated in public BOE meetings on multiple occasions that the DPI somehow forced them into the CAP settlement, that “our hands were tied”. (exhibit A) Upon denial, the videotaped segments will be produced for public review. **These public statements appear to be a violation of Ethics policy # po0144.2**
- 8) **The district’s \$300/hr attorney was or should have been fully aware of and provided competent consultation regarding the possibly non-compliant actions of items #1 & #2 & #3 & #4 & #5 & #7 above.**
- 9) Wisconsin Statute 19.35 Access to records; fees. States:
 (4) TIME FOR COMPLIANCE AND PROCEDURES.
 (a) Each authority, **upon request for any record, shall, as soon as practicable and without delay,** either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor.
- On behalf of the Wisconsin Association of School Boards, WASB staff counsel Ben Richter advises school board members “The attorney general has opined that **ten working days is a reasonable time period to respond.**”
 Mr. Richter also advises “If the district arbitrarily or capriciously denied access, it may be subject to punitive damages and a civil forfeiture of up to \$1000.” Per occurrence.
- a. **The district’s \$300/hr attorney is taking way too long to comply with open records requests, more than 7 months behind with some requests, which appears to be a violation of State statute #19.35(4)(a).**
 - b. **The district’s \$300/hr Attorney has failed to disclose the Job Description portion of the District Administrator’s contract in response to an open records request, which appears to be a violation of State statute #19.35(4)(a).**

Why is the incumbent Board not taking action to ensure that the months long backlog of requested public records are disclosed long before the April 4th elections?

In response to the above apparent policy violations, I request that the district:

1. Issue a public statement in writing that acknowledges each specific action listed above that was not in compliance with district policy.
2. Implement appropriate remedies or restitution or disciplinary action for each specific action listed above that was not in compliance with district policy.
3. Propose a corrective action plan that assures the same violations will not continue to occur again.
4. Implement a policy to answer open records within a reasonable two week period.

The known respondent(s) related to the conduct alleged above include the following:

Dr. Brad Ebert, KASD District Administrator

Dan Meyer, President of the 2021 KASD BOE during the meetings in question

Jim Bajczyk, participating member of the 2021 KASD BOE during the meetings in question

Stuart Long, participating member of the 2021 BOE during the meetings in question

Tony Johansson, appointed participating member of some 2021 BOE meetings

BoardmanClark, attorney for the District

Please keep me informed as this proceeds,

Sincerely,

Matt Piper

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