



Re: Request for Records

1 message

m P <mpiper@piperzenk.com>

Tue, Feb 13, 2024 at 10:39 AM

To: Tess O'Brien-Heinzen <tobrien@boardmanclark.com>

Cc: "Ebert, Brad" <bebert@kiel.k12.wi.us>, "Meyer, Dan" <dmeyer@kiel.k12.wi.us>, Tammie Stahl <tstahl@kiel.k12.wi.us>, Karin Wille <kwille@kiel.k12.wi.us>, Tony Johannes <tjohannes@kiel.k12.wi.us>, Stuart Long <slong@kiel.k12.wi.us>, James Bajczyk <jbajczyk@kiel.k12.wi.us>

Tess O'Brien-Heinzen,

Please note that I have serious concerns about the harassing and intimidating nature of the comments in your response.

The purpose of these questions was to confirm if the School Board conducted their due diligence, for the safety of the 1,500 students.

The answer is now obvious.

Please see below for additional comments.

Thank you,

Matt

On Tue, Nov 14, 2023 at 10:42 AM Tess O'Brien-Heinzen <tobrien@boardmanclark.com> wrote:

Dear Mr. Piper,

I am writing on behalf of the Kiel Area School District in response to the 20 separate requests for records that you made to the District on September 18, 2023, pursuant to the Wisconsin Public Records Law. Please note that while your requests refer to a "sexual orientation based club," no such club of that name is registered with the District. Accordingly, the District construed your requests to be asking for records related to the "Raider Alliance Group." Also please note that the District has serious concerns about the harassing and intimidating nature of the comments in your 20 record requests, and in particular the following:

- describing the students who may participate in the Raider Alliance Group as "a group of students who are uniquely prone to sexual assault and coercion" **This is a quote from a source Dr. Ebert cites! "Describing" is a crime at KASD now too?**
- discussing organizations that "once catered to transsexuals" which are now "being sued out of existence" **factual statement, have you not heard of the Tavistock gender clinic? "Discussing" is a crime at KASD now too?**
- expressing concern if the District has insurance should a student club member's lawyers "blame KASD's sexual orientation based club for the defendant's personal problems" **Expressing legitimate concerns is a crime at KASD now too?**
- a suggestion that advertising the group would have an impact on "all cause mortality and morbidity rates of our student body" **statistical fact: more LGBTQ+ individuals in sample = higher suicide rate**
- asking the effect of "normalizing lifestyles with statistically high mortality rates will have on our minor students" **this is a legitimate question. "asking" is a crime at KASD now too?**

Please be reminded that the District prohibits all bullying and harassment of students and staff in the Kiel Area School District and will respond immediately should it occur at school or at school-sponsored events. **Why would you remind me of that if not attempting to imply a false narrative, or intimidate?**

As to the records you have requested, the District carefully considered your requests and has responded to each below. In the information below, please note that your requests are in bold and the District's responses follow.

1. **Any evidence Dr. Ebert has that guarantees his proposed club won't make the disparities in student's data feelings even worse.**

Information supporting the Raider Alliance Group is set forth in the attached Board Packet. The District has not located any other records responsive to this request.

2. **Based on that data, please provide all documentation as to how the District intends to mitigate these elevated risks to student's health and safety the District is creating by bringing together with minimal supervision a group of students who are uniquely prone to sexual assault and coercion.**

Information supporting the Raider Alliance Group is set forth in the attached Board Packet. The District has not located any other records responsive to this request.


All due diligence documents the district has considered in relation to Dr. Ebert's recommendation for the sexual orientation based club, including but not limited to the following:

3. **Attorney's risk analysis.**

The District has not located any records responsive to your request.

4. **Insurance carrier's long term coverage language and/or riders that insulate KASD from future lawsuit exposure in the event that a one time LGBT club member's future greedy lawyers blame KASD's sexual orientation based club for the defendant's personal problems and demand KASD make them whole financially.**

The District interprets the question as calling for speculation based on facts that do not exist and/or seeking a legal determination regarding the extent of the District's insurance coverage again on facts that do not exist. This is not a proper request under the Wisconsin Public Records Law and further no records exists which are responsive to the request.

5. **Resume and qualifications of proposed adult participants including the advisor(s).** 

The District has not located any records responsive to your request for information on the specific qualifications related to advising the Raider Alliance Group.

6. **As referred to in the proposal, any documentation of the "benefits of creating a [sexual orientation based] club" as determined by the data collected in the student survey.**

Information supporting the Raider Alliance Group is set forth in the attached Board Packet. The District has not located any other records responsive to this request.

7. Any peer reviewed studies or reports KASD possesses that claim feelings like those presented in the proposal will be improved or changed in any way by an after school club like the one proposed and/or addressing the specific "data" points mentioned in the proposal as follows:

- a) Prevent missing school due to safety concerns**
- b) Prevent bullying on campus (data shows epidemic of +27% of all KASD students feel bullied!)**
- c) Prevent bullying on line**
- d) Improve anxiety**
- e) Reduce all cause mortality rates among any student groups**

Information supporting the Raider Alliance Group is set forth in the attached Board Packet. The District has not located any other records responsive to this request.

8. Sadly, everyone knows that bullying is a two way street when it comes to the LGBTQ+ community. Please provide any documentation in KASD's possession showing that any portion of the bullying epidemic in our schools will be improved in any way by this after school club.

Information supporting the Raider Alliance Group is set forth in the attached Board Packet. The District has not located any other records responsive to this request.

9. Please provide any documentation showing that the bullying epidemic at KASD will not get worse if this club forms.

Information supporting the Raider Alliance Group is set forth in the attached Board Packet. The District has not located any other records responsive to this request.

10. Many after school clubs conduct outreach of one sort or another to get new members. If this proposed club were to be successful in that effort, please provide all evidence KASD possesses regarding the impact that will have on all cause mortality and morbidity rates of our student body.

Information supporting the Raider Alliance Group is set forth in the attached Board Packet. The District has not located any other records responsive to this request.

11. All KASD documentation that shows the impact on overall student safety this club is expected to have.

Information supporting the Raider Alliance Group is set forth in the attached Board Packet. The District has not located any other records responsive to this request.

12. Any documentation that KASD has a strategy in place to mitigate any of the potential negative impacts that normalizing lifestyles with statistically high mortality rates will have on our minor students.

Information supporting the Raider Alliance Group is set forth in the attached Board Packet. The District has not located any other records responsive to this request.

13. **Any peer reviewed documents or studies KASD is in possession of that recommend joining an after school club as an effective method for addressing "any mental health concerns" of minor students.**

Information supporting the Raider Alliance Group is set forth in the attached Board Packet. The District has not located any other records responsive to this request.

14. **Documents that KASD relied upon to determine the likely positive and negative effects on students of a sexual orientation based club in our taxpayer funded schools, as well as that pro/con evaluation document.**

Information supporting the Raider Alliance Group is set forth in the attached Board Packet. The District has not located any other records responsive to this request.

15. **The peer reviewed studies of gender dysphoria that KASD will rely upon to provide recommendations for best practices relative to a sexual orientation based club in our taxpayer funded schools.**

Information supporting the Raider Alliance Group is set forth in the attached Board Packet. The District has not located any other records responsive to this request.

16. **Any documents containing information about visitors or lectures or activities anticipated in the club in the first year.**

The District has not located any records responsive to your request.

17. **The written permission and/or limit of liability form the student's parents would be required to sign before students could attend the club.**

Students are not required to obtain parent consent to participate in student groups. Accordingly, the District has not located any records responsive to your request.

18. **All other KASD documentation relative to the proposed sexual identity based club (basically, the entire club file)**

Information regarding the Raider Alliance Group is set forth in the attached Board Packet. The District has not located any other "club file."

19. **The actual survey given to KASD students referenced in Dr. Ebert's proposal.**

Please see attached survey.

20. The raw data collected.

Information regarding the data collected from the survey is set forth in the attached Board Packet.

Thank you.



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2 attachments

 **HS Club Addition (1).pdf**
425K

 **0301_001.pdf**
28K