


September 30, 2022

Marissa Darlindh


Dear Marissa Darlindh:

On Wednesday, June 15, 2022, you and Ms. Ophelia King met to discuss the allegations of misconduct against you. Also present at the meeting was Therese Freiberg, district administrator, acting as an observer/note-taker, and your representative, Attorney Luke Berg. The allegations were as follows:

- Violation of Administrative Policy: 6.07 Employee Rules of Conduct (2)(a, h, i, n, o, p, & q)
- Violation of Administrative Policy: 1.04 Non-Discrimination
- Violation of Administrative Policy: 8.01 Student Non-Discrimination
- Violation of Administrative Policy: 1.06 Equity in MPS
- Violation of Employee Handbook: Employee Rules of Conduct, Professional Conduct, Customer Service, Core Beliefs, & Recording in the Workplace
- Violation of School Staff Manual: 3.01 Employee Rules of Conduct, 3.03 Professional Conduct, & 4.27 Support Services Expectations & Procedures
- Violation of School Counselor & Transgender/Gender Non-Conforming Youth standards

At the meeting, the following evidence was presented:

Exhibit 1 was the scheduling letter for the meeting. The letter identified the allegations that were under consideration.

Exhibit 2 contained the statement that Ms. King prepared which outlined the steps taken to investigate the incident. In the statement she referenced the fact that she received numerous emails and videos from the community concerned about the safety and wellbeing of students. There were many members of the community and district partners that had access to the videos and details of the events taking place on the day of question.

Exhibit 3 included a statement from a special education teacher working at the same school that you are employed at. The teacher explained that she has witnessed you become verbally aggressive with students and adults. In this exhibit the teacher recalls examples of times when she witnessed such behaviors.

Exhibit 4 includes a statement from one of the teachers at Allen-Field and her responses to the questioned being asked.

Exhibit 5 A-D includes transcriptions from the students interviewed by Ms. King.

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Exhibit 6 includes a statement from Fritz Blandon, Allen-Field principal. His statement includes email and videos that he received from the community including video footage of the rally you participated in on Saturday, April 23, 2022. The statement included video links and the steps Mr. Blandon took to inform his supervisors of the concerns and the response he gave to inquiring community members.

Exhibit 7 includes 25 pages of emails from the community and district partners complaining to various district leaders and staff regarding their concern for the safety and wellbeing of the children attending Allen Field. The 25 pages of complaints also includes videos that were shared with district leaders and staff documenting the day and activities in question and mentioned in the emails. The 25 pages of complaints also include the message to the community that Milwaukee Public Schools was looking into the matter.

Exhibit 8 includes the story printed in the Milwaukee Journal Sentinel dated June 1, 2022. The article was titled “*MPS counselor under investigation after saying no transgender students will transition under her watch*”. The Journal Sentinel article mentioned you were interviewed and explained that you stood by your comments at the day in question. The article attests that you further explained you would not use names or pronouns self-identified by transgender or non-binary students.

Exhibit 9 has four pages that includes a story ran in Newsweek on June 2, 2022 entitled “*School Counselor could lose license for F**K Transgenderism Remark*”

Exhibit 10 is a copy of the certified letter mailed to you from the Department of Public Instruction informing you of an investigation into your license based upon your comments at the rally on April 23, 2022.

Exhibit 11 included a compilation of videos watched during the meeting regarding the incident in question. There were five videos that we viewed for this exhibit. This exhibit also includes an interview that you participated in for Fox News Channel on a show entitled the Ingraham Angle. During the interview that we watched, the person conducting the interview asked “*Would you change anything about what you said or how you said it?*” and your response was “*No*”

Exhibit 12 included another statement from Principal Blandon regarding an incident that took place in a teacher’s classroom at Allen Field and also involved interactions between yourself and a teacher on the staff June 3, 2022. The incident stemmed from the teacher discussing the Milwaukee Journal Sentinel article with students.

Exhibit 13 includes a statement from the school’s assistant principal, Ms. Ortiz. The statement is regarding an incident that took place in a teacher’s classroom and also involved interactions between yourself and a teacher on the staff June 3, 2022. The incident stemmed from the teacher discussing the Milwaukee Journal Sentinel article with students.



Exhibit 14 is a witness statement from Alondra Garcia. The statement is regarding the June 3, 2022 incident where a teacher shared the Milwaukee Journal Sentinel article with students.

Exhibits 15- 17 include statements from you regarding the incident on June 3, 2022 in which you explained that you opened a teacher’s classroom and asked *“Is there a reason you are talking about me right now”* and explained further how you and the teacher got into an exchange in front of the class.

Exhibit 18 includes a statement from an Allen Field teacher, Raven Chappelle, regarding the June 3, 2022 incident. During the statement the teacher stated you flung open her door and began yelling in front of the students *“Why are you in here talking about me”* and explained further how you and the teacher got into an exchange in front of the class.

Exhibit 19 was removed as it was a repeat of exhibit 13.

Exhibit 20 is a witness statement from Carrie Yanko, regarding the June 3, 2022 incident. Ms. Yanko’s statement mentioned the shouting that was taking place between you and the teacher.

Exhibit 21 is a witness statement from Kristina Nailen who was working in room 230 at the time of the June 3, 2022 incident. Ms. Nailen’s statement mentioned the shouting that was taking place between you and the teacher.

Exhibit 22 includes statements from students that were in the classroom when the incident took place on June 3, 2022. The student statements are labeled E through Q.

Exhibit 23 includes pictures that the school principal Mr. Blandon of the smart board in room 230 that included the Milwaukee Journal Sentinel article. The pictures were taken June 3, 2022.

Exhibit 24 is video surveillance footage related to the June 3, 2022 incident. The video was reviewed at the meeting. that we reviewed together during the meeting.

Exhibit 25 is the district’s Gender Inclusion Guidance.

Exhibit 26 is the district’s Gender Inclusion FAQ document.

Exhibit 27 is the American School Counselor Association’s student standards, mindsets and behaviors for student success. School counselors encourage the mindsets for all students and should provide culturally sustaining instruction, appraisal and advisement, and counseling to help all students demonstrate. Page 4 discusses implementation and the role of the school counselor in shaping ethical, equitable, and inclusive school environments. The highlighted area discusses further how “the ASCA Student Standards should be used to promote equity and access for all students and create a school culture free of bias and oppression. The standards are shared and discussed with all school counselors in Milwaukee Public Schools.



Exhibit 28-34 are Administrative Policies that were cited as potential violations. During the meeting the parties discussed the specific provisions of the policies that were alleged to have been violated.

Exhibit 35 is the district's employee rules of conduct that are also outlined in the employee handbook. Specific provisions of the employee rules of conduct have been cited as potential violations.

Exhibit 36 is a section of the employee handbook entitled "professional conduct." The provision states *"All employees shall model professional behaviors at all times while in the workplace. All employees are expected to be professional and courteous when interacting with students, parents, colleagues, and the community"*.

Exhibit 37 is another section of the employee handbook entitled "customer service." The provision specifically states:

- *Environment – Creating a clean, safe and inviting environment in all district facilities.*
- *Communication – Ensuring that everyone is treated with courtesy, respect and dignity throughout all forms of communication*
- *Commitment – Striving for excellence in all that we do in order to meet and exceed the expectations of our customers*

Exhibit 38 is another section of the employee handbook entitled "core beliefs." The first core belief cited is *"children come first."*

Exhibit 39 is another section of the employee handbook entitled "harassment/bullying free workplace."

Exhibit 40 is another section of the employee handbook entitled "employee rules of conduct."

Exhibit 41 is another section of the employee handbook entitled "professional conduct and attire."

Exhibit 42 is another section of the employee handbook entitled "support service expectations and procedures." This section of the handbook explains expectations and procedures school counselors will follow to implement a comprehensive school counseling program.

Exhibit 43 is the American School Counselor Association's statement entitled "the school counselor and transgender/gender-nonconforming youth". The ASCA position statement describes the organization's position on transgender/gender-nonconforming youth and defines the role of the school counselor relative to transgender/gender-nonconforming youth. School counselors in Milwaukee Public Schools are made aware of ASCA statements in order to provide guidance regarding issues that have an impact on students in one or more of the following areas: academic development, career development, social/emotional development.



Exhibit 44 are your signed handbook receipts of school staff manual and employee handbook and your signature stating that you understand your responsibility for reading, understanding, and complying with the manual and Milwaukee Public Schools Employee Handbook.

Exhibit 45 includes your signed acknowledgement and disclaimer related to the Milwaukee Public Schools school staff manual and your signature stating that you have read, understand, and will comply with the rules and procedures included in the staff manual. Your signature also states that you acknowledge your responsibility for adhering to all Milwaukee School Board of Directors' policies and procedures.

Exhibit 46 is your signed receipt of Milwaukee Public Schools department of College and Career Readiness school counseling call in procedures; your signature stating that you have received, reviewed, and understand the general and call-in procedures.

Exhibit 47 is your signed receipt of your school counselor master calendar for Allen Field school.

Exhibit 48 are two pages of the new counselor training schedule and link. The first page is the agenda from the new school counselor orientation for September 29, 2022 and October 6, 2022. The agenda from September 29, 2022 included the review of the districts' administrative policies and procedures. Page two of exhibit 48 includes an email from Ms. King to you sending you a link to the training.

After hearing the allegations and reviewing the exhibits, your representative declined to furnish a response at the meeting. A deadline of June 27, 2022, was given to furnish a written response. Your written response was received on Monday, June 27, 2022. I have reviewed the allegations, the Exhibits presented, and the written response provided by your representative.

Disposition

To resolve this issue, my disposition is the following:

Your thorough written response is appreciated but it ultimately fails to adequately address the fundamental issues related to the disciplinary conference. School counselors are expected to lead, advocate, collaborate and consult with other stakeholders to create systemic change and to ensure equitable educational outcomes through the school counseling program. School counselors have an ethical obligation to treat all the students they serve with dignity and respect. Additionally, counselors are to foster and affirm all students and their identity and psychosocial development, support all students and their development by actively working to eliminate systemic barriers or bias impeding student development, provide culturally responsive instruction, appraisal and advisement to students, and provide culturally responsive counseling to students. As mentioned in the ASCA Student Standards, school counselors are to "advocate for policies, practices, and guidelines that dismantle bias and promote equity for all." These

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fundamental standards and obligations for school counselors must be considered when reviewing the evidence related to this disciplinary matter.

After reviewing the evidence presented and your response, I find that multiple allegations of misconduct have been substantiated. I will address each one below:

Administrative Policy 6.07(2)(n): Threatening, harassing, intimidating, interfering with, coercing, injuring, or using abusive language towards students, board members, or the public

The comments you made on April 23, 2022 were threatening, intimidating, and abusive towards students and the public. At the event, you stated:

I oppose gender ideology ever entering the walls of my school building. On my dead fucking body will my students be exposed to the harm of gender identity ideology. Not a single one of my students on my fucking watch will ever ever transition socially and sure as hell not medically. Absolutely not.

Not only are the vulgar words you used inappropriate (which you admit to), the statements are threatening and intimidating. You make it very clear that you will do everything within your power to prevent a student in your building from transitioning or even expressing who they truly are. In the Milwaukee Journal Sentinel article, you even go so far as to say that you would not use the preferred names or pronouns of transgender or nonbinary students. These comments have a chilling effect on students and prevent the school from fostering an inclusive learning environment.

Administrative Policy 6.07(2)(p): Engaging in activity that significantly detracts from the school district's image or reputation

The District has considered your assertion that your conduct in question was protected speech under the First Amendment. The District has consulted with legal counsel, and disagrees with this assertion. At the rally on April 23rd, you did not speak out as a private citizen. When you got up to speak, the first thing you did was state your name and identified yourself as an elementary school counselor in Milwaukee Public Schools. That was the lens in which your comments were given and received. As an MPS employee, you were a reflection of the district and at no point were you authorized to comment on the topic of gender identity or characterize the care provide by the District to our students. Your comments run counter to the district's commitment to equity and fostering a safe and supportive learning environment for all students.

Administrative Policy 1.06: Equity in MPS

The district's commitment to equity is evidenced by the equity policy, Administrative Policy 1.06, that it adopted in 2017. In the policy, the board identifies one of its guiding principles to be "a school system shall be developed in which all students receive the support and resources that

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they need to become successful.” Your behavior is contrary to this very fundamental guiding principle. You have made clear you refuse to provide transgender students the support they need — as required of you by District Policy. You have freely admitted that you would not use the preferred names or pronouns of transgender or nonbinary students, support students regarding gender identity issues, or provide the basic services required of all District staff, let alone a School Counselor, charged with providing additional care to students.

In addition to guiding principles, the equity policy outlines specific equity goals for the district. One such goal is, “MPS will provide every student with equitable access to high-quality and culturally relevant instruction, curriculum, support, facilities, technology, and other educational resources that respect their individual identities, backgrounds, abilities, and experiences.” The comments you made at the rally and during public media interviews since then, clearly demonstrate that you refuse to respect the identities of transgender and nonbinary students. In fact, you have shown contempt towards transgender individuals, and an inability to support or abide by the district’s equity goals. You have made it known that you will do everything within your power when working at MPS to prevent a student from transitioning medically or socially. Despite District policy, you have made this refusal to provide care clear to the public, our parents, and our students.

Administrative Policy 8.52: Bullying and Administrative Policy 6.03: anti-harassment/anti-bullying: staff

The district has adopted a bullying policy (for students and staff) in which bullying is defined as “deliberate or intentional behavior using words or actions intended to cause fear, humiliation, intimidation, harm, or social exclusion.” Additionally, the policy covers off-duty/out-of-school speech or behavior that results in a substantial disruption to the learning environment. Your comments at the rally and subsequent to that, were pointed and intimidating to transgender students and their families. The threats you made publicly and intentionally do isolate transgender students and discourage them from expressing their true selves at school.

American School Counselor Association’s School Counselor and Transgender/Gender-nonconforming Youth standards

In 2016, the American School Counselor Association (ASCA) adopted specific standards as it relates to transgender and gender nonconforming students. The ASCA’s position is:

[S]chool counselors recognize all students have the right to be treated equally and fairly with dignity and respect as unique individuals free from discrimination, harassment, and bullying based on their real or perceived gender identity and gender expression. School counselors work to safeguard the well-being of transgender and gender-nonconforming youth.

It is the expectation of MPS that school counselors support transgender and gender-nonconforming students and help create a safe environment for them. According to the ASCA,

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one of the roles of the school counselor is to exhibit best practices when it comes to supporting transgender students. Specifically, school counselors are expected to address a transgender student by their chosen name and pronouns. You have made it clear that you will not respect a transgender student's wishes and use their preferred name or pronoun. Also, your threats to actively prevent a transgender student from transitioning are harmful to transgender students and are in direct violation of the school counselor standards.

Conclusion

Your comments/threats are harmful to transgender MPS students and their families, you exacerbated the harm by indicating that you would not change a thing about what you said. Your comments are directly opposite to District initiatives and policies promoting the health and wellbeing of our students. Furthermore, you made the comments publicly as a school counselor and unauthorized representative of the District publicly denying the care to students that the District has committed to providing. You not only harmed students and families, you negatively impacted the district's image as a school district that values equity and is committed to providing a safe, inclusive, and supportive learning environment for all students.

Considering your threats to actively prevent transgender MPS students from transitioning medically or socially and your subsequent comments standing by those threats, you have made clear you will not adhere to the district's policies. You will not provide students the support they need, which is required of you as a school counselor and an MPS employee. Therefore, I am terminating your employment with the District effective immediately. You may file a written grievance over this disciplinary decision with the Employment Relations Department within 15 business days of this letter.

As you know, you are also subject to a second, separate disciplinary action. As your employment with the District has been terminated, this second disciplinary hearing is not necessary at this time. Should this ever change, the District reserves the right to resume this second disciplinary hearing and take additional disciplinary action.

Sincerely,

Adria D. Maddaleni, J.D., M.S.Ed., SPHR
Chief Human Resources Officer
Milwaukee Public Schools

Cc: Ophelia King, Manager, School Counseling
Data Management
Personnel File #138402