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CONTACT:
Board President Kelly Piacsek, Ph.D., klpiacsek@waukesha.k12.wi.us
Attorney Mark S. Kapocius, mark.kapocius@vonbriesen.com, (414) 287-1290

WAUKESHA SCHOOL BOARD RENDERS DECISION IN PERSONNEL MATTER

On Wednesday, July 12, 2023, the Board of Education for the School District of Waukesha (“Board”) rendered a decision regarding the School District of Waukesha Administration’s recommendation of employment termination for Melissa Tempel, a First Grade Teacher at Heyer Elementary School. Although it is not customary for employers to comment publicly on personnel matters leading to termination, the public nature of this situation has created circumstances on which the Board feels it is necessary to comment.

Based on the evidence presented at the hearing, the Board of Education found that Ms. Tempel violated the Employee Handbook for Professional Staff Members, Board Policy 3179 (“Employee Concerns”), Board Policy 3213 (“Student Supervision and Welfare”), and Board Policy 3310 (“Employee Expression in Noninstructional Settings”). For these reasons, the Board voted unanimously, 9-0, to terminate Ms. Tempel’s individual employment contract, effective July 12, 2023.

Despite allegations otherwise, the Board’s decision was not based upon any prohibited basis, particularly Ms. Tempel’s right to free speech under the First Amendment of the Constitution. The Board found that Ms. Tempel did not follow Board Policy on multiple accounts, which resulted in considerable disruption to the District. The decision of the Board was not about any particular song, that may or may not have been selected for a concert, but the process by which an employee goes about expressing their concerns in a productive manner in accordance with Board Policy. The testimony and evidence presented during the hearing demonstrated that
Ms. Tempel repeatedly misstated the circumstances of her supervisor’s decision, leading to substantial liability to the District, disruption to the learning environment and threat of harm to the welfare of students and staff.

The Board takes very seriously the right of all people to speak freely and further acknowledges that discourse and debate are an important part of free society. However, the District has an obligation to enforce Board policies that apply reasonable boundaries to employee speech when it adversely affects the learning environment. In accordance with Board Policy 0123 “Philosophy of the Board”, The Board has the dual responsibility for implementing statutory requirements pertaining to public education and for meeting the desires of residents. To that end, the Board establishes policies and makes decisions on the basis of declared educational philosophy and goals. The Board Policies violated in this case have been in effect for many years and are consistent with policies held by public school districts across the country. The Board and Administration will continue to adhere to established policies to ensure that employee concerns are addressed in a solutions-focused manner with minimal disruption to the students we serve.

The Board would like to acknowledge the community’s adherence to the open hearing procedures and would like to thank everyone that participated in the hearing for their patience and cooperation during the process.