

11/10 (2022) Nate Groves' notes

At our parent engagement event, Wayne entered the building and asked where everyone was. I was standing there with a few staff members. He walked up to me and asked to have a conversation outside. He said it would be off the record, and that, "don't worry, i'm not going to punch you in the stomach or anything". I responded with, "well I would hope not". He looked angry and agitated. I walked outside with him in an effort to de-escalate him, and he expressed his anger about the situation with L. He used language not appropriate for school, starting off by saying, "what the fuck? What the fuck is going on?". He asked who this was, and who's doing it. I responded with, "this is the direction we are going in", and that "the entire district is moving in this direction, not just Chegwin". He said that she was very upset, and that she was looking for another job, and if I was willing to lose good teachers, and Cambellsport has openings, and he doesn't give a fuck - he's retired. (He made some reference to either losing my job or a good teacher? - some of the things he was saying were very confusing) He said that she does a ton for the school, and goes above and beyond to which I agreed, she works hard. When we reentered the building, he reiterated that it was an "off-the record" conversation and that he didn't want to see my face in the FDL Reporter.

The conversation left me feeling uncomfortable as he appeared to be visibly agitated and angry.

# Fond du Lac School District

72 W. Ninth St. • Fond du Lac, WI 54935  
(920) 929-2900

November 21, 2022

Jeffrey Fleig, Ph.D.  
Superintendent of Schools

Mr. Wayne Wilson

Dear Mr. Wilson:

On November 10, 2022, you engaged in intimidating, aggressive, harassing and threatening behavior towards the Principal of Chegwin Elementary regarding your wife, Laurel Wilson. Your inappropriate behavior created an unsafe and disruptive environment for staff and students in the District and will not be tolerated.

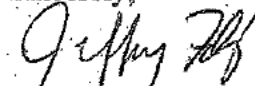
Board Policy 9150 provides that the "the Superintendent has the authority to establish conditions for entering or remaining in a District building, prohibit the entry of any person to a school of this District, or to require a visitor to leave when there is reason to believe the presence of such a person would be or is detrimental to the good order of the school. If such an individual refuses to leave the school grounds or creates a disturbance, school officials are authorized to request from the local law enforcement agency whatever assistance is required to remove the individual." A copy of the board policy has been enclosed in this letter.

Based on your threatening and harassing conduct towards a District employee, you are hereby notified that you are prohibited from being on District property including but not limited to Chegwin Elementary or at any school sponsored activities unless you are on District property to watch your daughter participate in co-curricular activities or for a meeting pertaining to your daughter's academics. Additionally, you will no longer be permitted to work athletic contests on behalf of the District. This prohibition is effective immediately and until further notice.

If you come onto school property without prior notice to the Superintendent or his designee other than the permitted reasons above, you will be considered a trespasser and the District will take all appropriate legal action against you including a referral to the Fond du Lac Police Department.

If you have any questions regarding this notice, contact me directly.

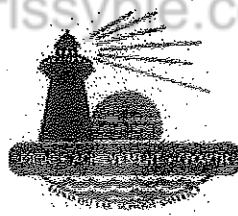
Sincerely,

  
Jeffrey Fleig, Ph.D.  
Superintendent

Enclosure



*The mission of the Fond du Lac School District, in partnership with the family and the community, is to promote high achievement and foster the continuous growth of the whole child, so that each becomes a creative, contributing citizen in a global society by providing personalized learning opportunities in a safe, nurturing environment.*



Book	Policy Manual
Section	9000 Relations
Title	SCHOOL VISITORS
Code	po9150
Status	Active
Adopted	August 13, 2018
Last Revised	August 12, 2019

### 9150 - SCHOOL VISITORS

The Board welcomes and encourages visits to school by parents, other adult residents of the community, and interested educators. But in order for the educational program to continue undisturbed when visitors are present and to prevent the intrusion of disruptive persons into the schools, it is necessary to establish visitor guidelines.

Except as set forth in District Policy 8390 or in the case of "service animals" required for use by a person with a disability, no other animals may be on school premises at any time.

In accordance with 120.13(35), Wis. Stats., the Superintendent has the authority to establish conditions for entering or remaining in a District building, prohibit the entry of any person to a school of this District or to require a visitor to leave when there is reason to believe the presence of such person would be or is detrimental to the good order of the school. If such an individual refuses to leave the school grounds or creates a disturbance, the principal is authorized to request from the local law enforcement agency whatever assistance is required to remove the individual.

Parents, who are registered sex offenders and wish to participate in their child's school activities, may be allowed on campus at the discretion and under the direction of the Principal. Such parents must inform the school administration of any time that they will be on school grounds. Conditions may be imposed upon participation, including but not limited to the following: must have prior permission, must check-in, must have approved escort in building or at event, must leave premises immediately upon conclusion of business, and may not visit while school is in session.

Nonstaff access to students and classes must be limited and only in accordance with a schedule which has been determined by the Principal after consultation with the teacher whose classroom is being visited. Classroom visitations must be nonobtrusive to the educative process and learning environment and should not occur on an excessive basis.

Parent concerns about any aspect of his/her child's educational program should be presented through the procedure set forth in Board Policy 9130 - Public Complaints, a copy of which is available at the Board office and at each school.

Individual Board members who are interested in visiting schools or classrooms on an unofficial basis shall make the appropriate arrangements with the Principal. In keeping with Board bylaws, such Board member visits shall not be considered to be official unless designated as such by the Board.

The Board member shall be visiting as an interested individual in a similar capacity of any parent or citizen of the community. These visits should not be considered to be inspections nor as supervisory in nature.

If during a visit to a school or program, a Board member observes a situation or condition which causes concern, s/he should discuss the situation first with the Superintendent as soon as convenient or appropriate. Such a report or discussion shall not be considered an official one from the Board.

All visitors to a school of the District must comply with the visitor rules as set forth in Board Policy 7440 - Facility Security.

Legal

120.13(35), Wis. Stats.

301.475(3)(c), Wis. Stats.

Wayne Wilson



February 6, 2023

Jeffrey Fleig, Superintendent  
Fond du Lac School District  
72 West 9th Street  
Fond du Lac, WI 54935

Dear Madam or Sir,

Under the Wisconsin Open Records Law, §19.31, et seq., I am requesting an opportunity to inspect or obtain copies of public records requested below.

Any and all emails, verbal, written, notes, and correspondences of and between the following date between November 4, 2022 thru January 10, 2023.

REFERENCE: Any reference of Wayne Wilson, Laura Wilson, and/or Trespassing

Jeffrey Fleig, Superintendent

Matthew Steinbath, Chief of Schools

Dean Memoir, Director of Human Resources

Marisa Lombardo, Director of Human Resources

John Williams, Director of Facility Services and Safety

Nate Groves, Principal of Chegwain Elementary School

Dave Michalkiewicz, Principal of Fond du Lac High School

Aric Gunderson, Fond du Lac High School Athletic Director

Mark Olson, Attorney for the Fond du Lac School District

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$25.00.

I would request a response in writing, promptly as described by law, if you intend to deny this request. Also, if you expect a significant delay in fulfilling this request, please contact me with information about when I might expect copies or the ability to inspect the requested records.

You may email the requested information to the below email to save the district mail charges that are better served be used toward education resources.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

Wayne Wilson  
9203756271  
wwilson\_jr@yahoo.com

# Fond du Lac School District

72 W. Ninth St. • Fond du Lac, WI 54935  
(920) 929-2900

February 16, 2023

Jeffrey Fleig, Ph.D.  
Superintendent of Schools

Wayne Wilson  
[REDACTED]

Re: Public Records Request

Dear Mr. Wilson:

This letter shall serve as Fond du Lac School District's initial response to your February 6, 2023 public records request, in which you state the following:

*Any and all emails, verbal, written, notes, and correspondences of and between the following date between November 4, 2022 thru January 10, 2023;*

*REFERENCE: Any reference of Wayne Wilson, Laural Wilson, and/or Trespassing*

- a. Jeffrey Fleig, Superintendent
- b. Matthew Steinbarth, Chief of Schools
- c. Dean Nemoir, Director of Human Resources
- d. Marisa Lombardo, Director of Human Resources
- e. John Williams, Direct of Facility Services and Safety
- f. Nate Groves, Principal of Chegwin Elementary School
- g. Dave Michalkiewicz, Principle [sic] of Fond du Lac High School
- h. Aric Gunderson, Fond du Lac High School Athletic Director
- i. Mark Olson, Attorney for the Fond du Lac School District

A request is sufficient if it reasonably describes the record or information sought. Wis. Stat. § 19.35(1)(h). This request, as written, requires the District to speculate as to what records you desire. The Wisconsin Public Records law does not require that the District spend excessive amounts of time and resources deciphering and responding to a request. The District is therefore requesting that you clarify your request, including the nature of the individuals listed in respect to request for records. After we receive your clarifications, we will be able to further process your request as we are currently unsure how to process your request. We are happy to discuss this with you and help clarify the request.

Also, please note that the District may impose a fee upon the requester of a copy of a record of \$0.02 per page for black and white copies, which represents the actual, necessary, and direct cost of reproduction of the record. In addition, the District may impose a fee upon a requester for the



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Mr. Wayne Wilson  
Page 2  
February 16, 2023

actual time spent by District employees in locating a record, if the cost is \$50.00 or more, and advance payment can be required. In calculating location costs, the District will use the applicable employee's hourly rate for salary and benefits. Wisconsin Public Records law allows us to charge you a fee for the actual, necessary and direct costs of locating and reproducing these records. Wis. Stat. §19.35(3)(a). See also, Board Policy 8310 – Public Records.

To the extent, if any, you view this response as a denial of your request, please be advised that you have the right to challenge the decision by filing a *mandamus* action pursuant to Wis. Stat. § 19.37(1), or by contacting the local district attorney or Wisconsin Attorney General.

If you have any questions or concerns regarding the foregoing, please feel free to contact me.

Sincerely,



Jeffrey Fleig, Ph.D.

Superintendent of Fond du Lac School District



**Hawks  
Quindel** s.c.  
ATTORNEYS AT LAW

MADISON OFFICE  
P.O. Box 2155  
Madison, WI 53701-2155  
PH: 608-257-0040 FAX: 608-256-0236

October 30, 2023

**VIA ELECTRONIC AND CERTIFIED U.S. MAIL  
RETURN RECEIPT REQUESTED**

Jeffrey Fleig  
Superintendent  
Fond du Lac School District  
72 West Ninth Street  
Fond du Lac, WI 54935  
Email: [fleigj@fonddulac.k12.wi.us](mailto:fleigj@fonddulac.k12.wi.us)

Todd Schreiter  
President  
Board of Education of the Fond du Lac School District  
72 West Ninth Street  
Fond du Lac, WI 54935  
Email: [schreiter@sb.fonddulac.k12.wi.us](mailto:schreiter@sb.fonddulac.k12.wi.us)

RE: *Wayne Wilson*

***This correspondence constitutes an offer to compromise a claim and is inadmissible pursuant to Fed. R. Evid. 408 and Wis. Stat. §§ 904.08 and 904.085.***

Dear Dr. Fleig and Mr. Schreiter:

I am writing to inform you that Wayne Wilson has hired our firm to pursue his civil rights claims against the Fond du Lac School District ("District") and Superintendent Jeffrey Fleig, Ph.D. As Mr. Wilson's attorney, all future communications regarding this matter should be directed to me at (608) 308-8203 or [cclegg@hq-law.com](mailto:cclegg@hq-law.com). If you have retained legal counsel for this matter, please provide them with this letter with instructions to contact me as soon as possible.

As explained below, the District and Dr. Fleig violated Mr. Wilson's First Amendment free speech rights by banning him from District property. Before commencing litigation, Mr. Wilson has authorized me to offer to settle this matter for the following: the revocation of the no trespass order, the issuance of a written apology to Mr. Wilson, and payment of \$25,000.00.

## FACTUAL BACKGROUND

Master Sergeant Wayne Wilson (ret.) is a disabled veteran and public servant, having served in the U.S. Air Force and the U.S. Department of Labor for most of his career. He is an active volunteer in the Fond du Lac community and is involved with numerous local, state, and nationwide organizations. Until November 14, 2022, he also regularly worked in event staff for District events at the request of District employees. Mr. Wilson and his wife, Laural Wilson, have four children, all of whom have been, or are currently, students in the Fond du Lac School District. Ms. Wilson is also a former third-grade teacher at Chegwin Elementary School.

On November 10, 2022, Chegwin Elementary hosted a Chegwin Connect Night after school hours for parents and students to learn about math and reading. Mr. Wilson attended at Ms. Wilson's invitation. Nate Groves, principal at Chegwin Elementary, also attended.

Before the event started, Mr. Wilson asked Principal Groves to have a conversation about some issues Ms. Wilson and her fellow District teachers had been experiencing. Mr. Wilson and Principal Groves stepped outside the school building for the discussion. Mr. Wilson addressed the pressures that teachers were experiencing due to the District's new policy of imposing strict time restraints on lesson plans. He voiced his opinion that the District's new policy was not the most appropriate way to remedy any achievement deficiencies caused by the pandemic. He also raised his concern that the District did not allow Ms. Wilson to lead her students in writing cards for veterans in celebration of Veteran's Day. He believed such an exercise was appropriate and valuable for the District's students. Principal Groves responded to Mr. Wilson's concerns by acknowledging, "It's tough in the district right now."

At no point in this conversation did Mr. Wilson threaten Principal Groves or anyone else in the District. Instead, the conversation ended amicably with Mr. Wilson commending Principal Groves that the Chegwin staff enjoyed his leadership. Mr. Wilson also stated that he supported many of the changes to the District that Superintendent Fleig had implemented. When Mr. Wilson and Principal Groves rejoined the event, Mr. Wilson began interacting with Ms. Wilson's student, and Principal Groves complimented the Wilsons on their contributions to the school community.

However, on November 14, 2022, officers from the Fond du Lac Police Department informed Mr. Wilson that the District and Dr. Fleig had issued a no trespass order ("Order") against him. The next day, Mr. Wilson picked up a "Warning/Violation Notice" from the police station, which alleged that Mr. Wilson violated Wis. Stat. § 943.13(1m)(a) by trespassing onto land at Chegwin Elementary School, 109 East Merrill Avenue, Fond du Lac, Wisconsin. On November 23, 2022, Mr. Wilson received a letter, dated November 21, 2022, from Dr. Fleig regarding the Order. The letter stated:

On November 10, 2022, you engaged in intimidating, aggressive, harassing and threatening behavior towards the Principal of Chegwin Elementary regarding your wife, Laurel Wilson. Your inappropriate behavior created an unsafe and disruptive environment for staff and students in the District and will not be tolerated.

Board Policy 9150 provides that the “the Superintendent has the authority to establish conditions for entering or remaining in a District building, prohibit the entry of any person to a school of this District, or to require a visitor to leave when there is reason to believe the presence of such a person would be or is detrimental to the good order of the school. If such an individual refuses to leave the school grounds or creates a disturbance, school officials are authorized to request from the local law enforcement agency whatever assistance is required to remove the individual.” A copy of the board policy has been enclosed in this letter.

Based on your threatening and harassing conduct towards a District employee, you are hereby notified that you are prohibited from being on District property including but not limited to Chegwin Elementary or at any school sponsored activities unless you are on District property to watch your daughter participate in co-curricular activities or for a meeting pertaining to your daughter’s academics. Additionally, you will no longer be permitted to work athletic contests on behalf of the District. This prohibition is effective immediately and until further notice.

If you come onto school property without prior notice to the Superintendent or his designee other than the permitted reasons above, you will be considered a trespasser and the District will take all appropriate legal action against you including a referral to the Fond du Lac Police Department.<sup>1</sup>

### LEGAL BACKGROUND

The District and Dr. Fleig violated Mr. Wilson’s First Amendment free speech rights by issuing the Order. First, the Order retaliates against Mr. Wilson for engaging in protected speech. Second, the Order’s ban on Mr. Wilson attending school board meetings and other extracurricular activities on District property is neither reasonable nor viewpoint neutral.

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<sup>1</sup> Board Policy 9150 provides:

In accordance with 120.13(35), Wis. Stats., the Superintendent has the authority to establish conditions for entering or remaining in a *District building*, prohibit the entry of any person to a school of this District or to require a visitor to leave when there is reason to believe the presence of such person would be or is detrimental to the good order of the school.

Board Policy 9160 provides:

The Board holds the legal authority to ban the attendance of or remove any person whose conduct may constitute a disruption on *District property or at a school event*.

Accordingly, Dr. Fleig exceeded his authority under Board Policy 9150 by banning Mr. Wilson from entering District property or attending school events not held in District buildings.

**1. The District and Dr. Fleig Retaliated Against Mr. Wilson for Engaging in Protected Speech.**

The First Amendment prohibits the government from retaliating against a citizen for engaging in protected speech. To succeed on a First Amendment retaliation claim, “a plaintiff must show ‘(1) he engaged in activity protected by the First Amendment; (2) he suffered a deprivation that would likely deter First Amendment activity in the future; and (3) the First Amendment activity was at least a motivating factor in the Defendants’ decision to take the retaliatory action.’” *Douglas v. Reeves*, 964 F.3d 643, 646 (7th Cir. 2020) (quoting *Bridges v. Gilbert*, 557 F.3d 541, 546 (7th Cir. 2009)).

All three elements are present here. Mr. Wilson’s conversation with Principal Groves is clearly protected speech. The First Amendment demands that “debate on public issues should be uninhibited, robust, and wide-open, and . . . may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.” *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964). Indeed, “it is a prized American privilege to speak one’s mind, although not always with perfect good taste, on all public institutions.” *Bridges v. California*, 314 U.S. 252, 270 (1941). Accordingly, “[t]he right to criticize public officials is at the heart of the First Amendment’s right of free speech.” *Wilbur v. Mahan*, 3 F.3d 214, 215 (7th Cir. 1993). In his conversations with Principal Groves, Mr. Wilson criticized the District’s new policy of imposing strict time restraints on lesson plans. He also questioned the District’s refusal to allow Ms. Wilson to lead her students in writing cards for veterans in celebration of Veteran’s Day. There can be no doubt that Mr. Wilson’s speech on these topics is protected by the First Amendment.

Likewise, Mr. Wilson clearly suffered a deprivation that would likely deter First Amendment activity in the future. The Order bans Mr. Wilson from entering District property “unless [he is] on District property to watch [his] daughter participate in co-curricular activities or for a meeting pertaining to [his] daughter’s academics.” It further warns that the District “will take all appropriate legal action against [Mr. Wilson] including a referral to the Fond du Lac Police Department” if he violates the order.” “The Supreme Court has often noted that a realistic threat of arrest is enough to chill First Amendment rights.” *Hodgkins v. Peterson*, 355 F.3d 1048, 1056 (7th Cir. 2004). Moreover, at least one Court of Appeal has concluded that a school district’s no trespass order is likely to deter First Amendment activity. See *McCook v. Spriner School Dist.* 44 Fed. App’x 896 (10th Cir. 2002).

Finally, in his letter, Dr. Fleig explicitly ties the Order to Mr. Wilson’s conversation with Principal Groves. The causation prong is clearly met here.

The District and Dr. Fleig may argue that Mr. Wilson’s speech is not protected because it was “intimidating, aggressive, harassing and threatening.” Mr. Wilson disputes that he engaged in any such behavior. While he admits that he used expletives in the conversation, that is evidence of Mr. Wilson’s twenty-one years in the U.S. Air Force, not his intent to intimidate or threaten Principal Groves. More importantly, “[t]he First Amendment demands a tolerance of ‘verbal tumult, discord, and even offensive utterance,’ as ‘necessary side effects of . . . the process of open debate.’” *Waters v. Churchill*, 511 U.S. 661, 672, 114 S. Ct. 1878, 1886 (1994) (quoting *Cohen v. California*, 403 U.S. 15, 24-25 (1971)). Mr. Wilson’s speech was animated but protected nonetheless.

## 2. The Order is Neither Reasonable nor Viewpoint Neutral.

Although the First Amendment “does not guarantee access to property because it is owned or controlled by the government,” *United States Postal Service v. Council of Greenburgh Civic Assns.*, 453 U.S. 114, 129 (1988), when a school district makes itself a public forum, its right to “limit expressive activity [is] sharply circumscribed.” *Perry Educ. Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37, 45 (1983). The extent to which a school’s right to limit expressive activity is sharply circumscribed depending on whether the public forum is a “traditional public forum,” “designated public forum,” or “limited public forum.”

The Order bans Mr. Wilson from entering District property “unless [he is] on District property to watch [his] daughter participate in co-curricular activities or for a meeting pertaining to [his] daughter’s academics.” Accordingly, Mr. Wilson cannot attend school board meetings or other events open to the public on District property.

School board meetings and events open to the public are limited public fora. *See, e.g., Barna v. Bd. Of Sch. Dirs. Of the Panther Valley Sch. Dist.* 877 F.3d 136, 142 (3d Cir. 2017) (school board meetings); *Johnson v. Perry*, 859 F.3d 156, 175 (2d Cir. 2017) (basketball games open to the public). A school district can only impose restrictions on speech in a limited public forum that are reasonable and viewpoint neutral. *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 106–07 (2011).

The Order’s ban of Mr. Wilson from school board meetings or other events open to the public on District property is not reasonable. The District and Dr. Fleig justified the Order based on safety concerns. However, Mr. Wilson never engaged in “intimidating, aggressive, harassing and threatening” behavior toward Principal Groves. Nor does he have a history of any such behavior. Indeed, he has a clean criminal record and has served as a volunteer for the District and Fond du Lac community for decades. Further, the Order’s carve out for certain events shows that the District and Dr. Fleig do not actually consider Mr. Wilson a risk to the safe operation of the District. In the end, although Mr. Wilson admits he used expletives in his conversation with Principal Groves, the District needs more to justify an outright ban from a limited public forum. *See Coffelt v. Omaha School District*, 309 F. Supp. 3d 629, 643 (W.D. Ark. 2018) (plaintiff’s ban from school events open to the public following a profanity-laced argument with school principal was not a reasonable restriction on limited public forum speech); *McBreairty v. School Board of RSU 22*, 616 F. Supp. 3d 79, 96 (D. Maine 2022) (plaintiff’s ban from school board meetings for a single, minor rules violation was not a reasonable restriction on limited public forum speech).

The Order is not viewpoint neutral either. The Order prevents Mr. Wilson, and only Mr. Wilson, from voicing his opinions about District issues at school board meetings. There is no justification for this blatant viewpoint discrimination.


### PROPOSAL FOR RESOLUTION

For the reasons above, the District and Dr. Fleig violated Mr. Wilson’s First Amendment free speech rights by issuing the Order. As a result of this unconstitutional action, Mr. Wilson has experienced public ridicule and embarrassment. He has also suffered a loss of income from staffing District events. Perhaps most importantly, he has been prevented from voicing his opinions at school board meetings and attending other events open to the public on District property.

I have advised Mr. Wilson that he has a right to pursue his claims by filing a Section 1983 lawsuit in federal court and that he would be entitled to seek compensatory damages, injunctive relief, and attorneys' fees and costs. Mr. Wilson has asked me to resolve this matter before commencing litigation. **Mr. Wilson is willing to waive and release his claims against the District and Dr. Fleig in exchange for the District and Dr. Fleig revoking the Order, issuing an apology to Mr. Wilson, and paying Mr. Wilson \$25,000.00, inclusive of all compensatory damages and attorneys' fees and costs.**

Please contact me at (608) 308-8203 or [cclegg@hq-law.com](mailto:cclegg@hq-law.com) with your response. This offer will remain open until **November 24, 2023**, at which point it will be withdrawn, and Mr. Wilson will pursue his rights in court.

Respectfully,  
HAWKS QUINDEL, S.C.



Connor J. Clegg  
*Attorney for Wayne Wilson*

Cc: Wayne Wilson (via email only)