



May 22, 2023

VIA U.S. MAIL & EMAIL

Rhonda Elmhurst-Friemoth, District Administrator
Mellen School District
PO Box 500
Mellen, WI 54546
relmhorstfriemoth@mellendiggers.org

RE: Inquiry Regarding Mellen School District

Dear Ms. Elmhurst-Friemoth:

In response to a constituent complaint, the Department of Public Instruction (DPI) commenced an inquiry into Mellen School District's ("Mellen") compliance with certain school district standards. This inquiry has been conducted in accordance with Wis. Stat. § 121.02(2) and Wis. Admin. Code § PI 8.02(1).

DPI requested certain information in support of that inquiry on July 18, 2022, and Mellen provided initial responsive materials shortly thereafter. DPI reviewed those initial materials and requested further evidence on October 11, 2022. DPI also offered a virtual meeting to review the standards at issue and provide further guidance in order to explain DPI's interpretations of the standards and aid Mellen in identifying relevant evidence. That meeting took place on October 18, 2022; you attended on behalf of Mellen. Thereafter, Mellen provided additional evidence which was reviewed by DPI.

On January 13, 2023, DPI provided Mellen with its preliminary analysis, which provided details on DPI's review of the evidence provided up to that point and ways in which that evidence was deficient in identifying compliance with the standards. In conjunction with this preliminary analysis, DPI once again invited Mellen to participate in a virtual meeting so that DPI could clarify any misunderstanding on DPI's interpretations of the standards or the evidence requested. That meeting took place on January 31, 2023, and was attended by multiple Mellen educators and yourself. DPI provided further clarification on the standards, examples of evidence that could reflect compliance with those standards and also responded to questions from Mellen about the inquiry and the evidence that had already been presented. Following this meeting, DPI provided another opportunity for Mellen to provide further evidence of its compliance and rebut the preliminary analysis. In response, Mellen provided two additional pieces of evidence.

The additional materials provided by Mellen were reviewed. DPI has now completed its

review and, based on all of the evidence provided by Mellen, has made the attached Preliminary Findings.

Wis. Stat. § 121.02(3) and Wis. Admin. Code § PI 8.03(1) provide for the opportunity for a public hearing prior to any ultimate Finding of non-compliance. Please see the Appeal Rights below for further information on this opportunity.

DPI is eager to help Mellen develop a plan for compliance. See Wis. Admin. Code § PI 8.03(6). To that end, included with the Preliminary Findings are Recommendations for specific resources and ways in which DPI may be able to assist Mellen with its plan. DPI consultants are willing and able to meet with Mellen to discuss these Recommendations and provide guidance and suggestions to achieve compliance. DPI will remain available to Mellen throughout any proposed plan for compliance for support and additional guidance and suggestions.

The rule contemplates a time period of 90 days for a district to achieve compliance but also provides for requests for extension of that period, ultimately not to exceed one year. Wis. Admin. Code § PI 8.03(6). DPI recognizes that, given some of the preliminary findings in this matter (e.g., related to district texts), extensions of the period of compliance may be needed in order to provide Mellen with sufficient time for meaningful review and implementation.

Please contact me if you have questions.

Sincerely,



Kari H. Race
Attorney, Office of Legal Services
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(608) 264-6711

Enc.

cc: Mr. Nick VanderPuy (via email only to: nickvanderpuy@gmail.com)

Appeal Rights

Pursuant to Wis. Stat. § 121.02(3) and Wis. Admin. Code § PI 8.02(3), the School Board may request, or the school district electors may petition, that the State Superintendent conduct a public hearing prior to entry of a Finding of noncompliance. Such request or petition must be sent, within 45 days of receipt of DPI's Preliminary Findings, via email to benjamin.jones@dpi.wi.gov. A request or petition may also be sent by mail to: The Department of Public Instruction, Office of Legal Services, PO Box 7841, 125 South Webster Street, Madison, WI 53707.

If the State Superintendent does not timely receive a request or petition for a hearing, a final decision and order regarding the school district's compliance with state academic standards will be entered.

Any request or petition for a hearing must specify the Preliminary Findings that are being challenged. Any Preliminary Finding that is not challenged will be considered accepted.