

Exhibit A

InterMountain Education Service District

Code: **BBA**
Adopted: 1/19/11

Board Powers and Duties

The Board shall perform all duties required by law, including, but not limited to:

1. The employment of a superintendent whose qualifications shall meet those of the State Board of Education and the Teacher Standards and Practices Commission.
2. The formulation of policy for the operation of the ESD.
3. The ratification of the recommendations of the superintendent for selection of all licensed and administrative personnel employed by the ESD.
4. The Board will oversee the ESD's financial affairs by authorizing, appropriating and adopting budgets and by proposing local option or bond elections, when appropriate and as allowed by law, to provide for program operation and maintenance or acquisition of ESD property.
5. Performing those specific duties prescribed in ORS 334.125(3).
6. Providing programs and services as necessary to meet the ESD State Standards as found in Oregon Administrative Rules OAR 581-024-0205 through 581-024-0280.

END OF POLICY

Legal Reference(s):

[ORS 192.630](#)
[ORS 243.656](#)
[ORS Chapters 279A](#), 279B and
279C
[ORS 280.060](#)
[ORS 294.305](#) - 294.565
[ORS 328.205](#) - 328.304
[ORS 330.080](#) - 330.133
[ORS 334.005](#)
[ORS 334.125](#)
[ORS 334.145](#)
[ORS 334.175](#)

[ORS 334.185](#)
[ORS 334.215](#)
[ORS 334.225](#)
[ORS 334.240](#)
[ORS Chapter 339](#)
[ORS 342.805](#) - 342.937
[ORS Chapter 343](#)

[OAR 581-024-0205](#)
[OAR 581-024-0206](#)
[OAR 581-024-0208](#)

[OAR 581-024-0210](#)
[OAR 581-024-0225](#)
[OAR 581-024-0226](#)
[OAR 581-024-0228](#)
[OAR 581-024-0235](#)
[OAR 581-024-0250](#)
[OAR 581-024-0252](#)
[OAR 581-024-0260](#)
[OAR 581-024-0265](#)
[OAR 581-024-0280](#)
[OAR 581-024-0288](#)

Cross Reference(s):

DJ - District Purchasing

Exhibit B

<p style="text-align: center;">InterMountain Education Service District</p>
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Code: **BFC**
Adopted: 1/19/11

Adoption and Revision of Policies

Adopting new policies and changing or repealing existing policies are solely the Board's responsibilities. Policy will be adopted and amended or repealed only by the affirmative vote of a majority of board members. Such action will be scheduled on the agenda of a regular or special meeting.

Proposed policies or policy changes and repeal of existing policies will be presented in writing for consideration by the Board.

To permit time for studying all new policies or amendments to policies and to provide an opportunity for interested parties to react, proposed policies or amendments may be presented as a board agenda item in the following sequence:

1. Distribution with agenda for a first reading;
2. First reading of proposed policy or policies will include any response from the superintendent, report from any board or advisory committee assigned responsibility in the area, and board discussion and directions for any redrafting. During discussion of a policy proposal, the views of the public and staff will be considered. Amendments may be proposed by board members. An amendment will not require the policy go through an additional reading except as the Board determines that the amendment needs further study and an additional reading would be advantageous;
3. Second reading of proposed policy or policies will include any response from the superintendent, report from any board or advisory committee assigned responsibility in the area, and board discussion and directions for any redrafting. During discussion of a policy proposal, the views of the public and staff will be considered. Amendments may be proposed by board members. An amendment will not require the policy go through an additional reading except as the Board determines that the amendment needs further study and an additional reading would be advantageous.

When, in the best interest of the ESD, the Board may adopt policy at the first meeting in which it is presented.

Policies and amendments adopted by the Board will be attached to, and made a part of, the minutes of the meeting at which they are adopted, will be included in the ESD's policy manual, and will be distributed to staff.

END OF POLICY

Legal Reference(s):

[ORS 334.125\(7\)](#)

[OAR 581-024](#)-0240

Cross Reference(s):

BCE - Board Committees

BFG - Board Policy Review

Exhibit C

InterMountain Education Service District

Code: **BF**
Adopted: 1/19/11

Policy Development

The ESD shall be governed by a set of written policies. These policies, combined with Administrative Rules for implementation, shall be available to staff and to the public, and to Oregon Department of Education personnel upon request.

The policies shall be consistent with Oregon Revised Statutes, Oregon Administrative Rules and all federal laws and regulations.

The basic responsibility for initiating, reviewing and recommending new policies or policy modification will rest with the superintendent; however, new policies or changes in existing policy may be proposed by any Board member, group or organization, staff member, parent, student or other member of the ESD. The superintendent, in developing these policies, may be guided by the recommendations of the staff and may seek input from component school district staff or district patrons during the preparation and subsequent review of policy statements. Advice from legal counsel may be appropriate.

The superintendent will furnish necessary background information and make all final policy recommendations to the Board

END OF POLICY

Legal Reference(s):

[ORS 334.125\(7\)](#)

[OAR 581-024-0240](#)

Cross Reference(s):

BFD - Board Policy Implementation

BFF - Suspension of Policies

Exhibit D

InterMountain Education Service District

Code: **BCD**
Adopted: 1/19/11

Board-Superintendent Relationship

The superintendent, designated by the Board as its executive officer, is responsible for implementing Board policy and decisions in the management of the ESD. In the absence of specific policy or guidelines from the Board, the superintendent is authorized to direct ESD operations and shall be held accountable for actions taken in the absence of policy.

As the executive officer of the ESD, the superintendent shall have the authority to develop regulations and procedures necessary to administer the policies of the district and the necessary laws of the state.

1. The superintendent shall be responsible for bringing to the Board recommendations for policies that are considered necessary for effective operation of the ESD.
2. The Board shall have final control and supervision of all ESD funds, but shall delegate the responsibility for fiscal management to the superintendent.

The superintendent can expect the Board will respect the superintendent's professional competence and extend to him/her full responsibility for implementation of Board policy decisions.

The Board holds the superintendent responsible for carrying out its policies within established guidelines and for keeping the Board informed about district operations.

END OF POLICY

Legal Reference(s):

[ORS 334.225](#)

Exhibit E

InterMountain ESD

Code: ACB
Adopted: 12/16/20
Revised/Readopted: 12/15/21

Every Student Belongs

IMESD strives to ensure the success of every child by providing equitable services to close the opportunity gap. We are committed to the values of antiracism and multiculturalism

All students are entitled to a high quality educational experience, free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

All employees are entitled to work in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

All visitors are entitled to participate in a school or educational environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

“Bias incident” means a person’s hostile expression of animus toward another person, relating to the other person’s perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate. Bias incidents may include derogatory language or behavior.

“Symbol of hate” means nooses¹, symbols of neo-Nazi ideology or the battle flag of the Confederacy.

The ESD prohibits the use or display of any symbols of hate on school property² or in an education program³ except where used in teaching curriculum that is aligned with state standards of education for public schools.

In responding to the use of any symbols of hate or bias incidents, the ESD will use non-disciplinary remedial action whenever appropriate.

The ESD prohibits retaliation against an individual because that individual has in good faith reported information that the individual believes is evidence of a violation of a state or federal law, rule or regulation.

Nothing in this policy is intended to interfere with the lawful use of ESD facilities pursuant to a lease or license.

¹ The display of a noose on public property with the intent to intimidate may be a Class A Misdemeanor under Senate Bill 398 (2021).

² “School property” means any property under the control of the ESD.

³ “Education program” includes any program, service, school or activity sponsored by the ESD.

The ESD will use administrative regulation ACB-AR - Bias Incident Complaint Procedure to process reports or complaints of bias incidents.

END OF POLICY

Legal Reference(s):

[ORS 659.850](#)

[ORS 659.852](#)

[OAR 581-002-0005](#)

[OAR 581-022-2312](#)

[OAR 581-022-2370](#)

[HB 2697\(2021\)](#)

[HB 3041 \(2021\)](#)

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).

Dariano v. Morgan Hill Unified Sch. Dist., 767 F.3d 764 (9th Cir. 2014).

State v. Robertson, 293 Or. 402 (1982).

Cross Reference(s):

AC - Nondiscrimination

GBEA - Workplace Harassment

GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff

GBN/JBA - Sexual Harassment

JBA/GBN - Sexual Harassment

JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student

Exhibit F

InterMountain ESD

Code: ACB-AR
Adopted: 12/16/20
Revised/Readopted: 11/09/21; 12/19/24

Bias Incident Complaint Procedure

The terms “bias incident” and “symbols of hate” are defined in policy. Persons impacted by a bias incident or display of a symbol of hate shall be defined broadly to include persons directly targeted by an act, as well as the community of students as a whole who are likely to be impacted by the act.

Step 1: When a staff member learns of a potential bias incident or display of a symbol of hate, the staff member will prioritize the safety and well-being of all persons impacted and promptly report the incident to the building or program administrator.

Step 2: The administrator or designee shall acknowledge receipt of the complaint, reduce the complaint to writing, and investigate any complaint of a bias incident. Responding staff will recognize the experience of all persons impacted, acknowledge the impact, commit to taking immediate action, and commit to preventing further harm against those persons impacted from taking place. Educational components and redirection procedures, if any, will:

- Address the history and impact of bias and hate;
- Advance the safety and healing of those impacted by bias and hate;
- Promote accountability and transformation for people who cause harm; and
- Promote transformation of the conditions that perpetuated the harm.

The administrator or designee must consider whether the behavior implicates other ESD policies or civil rights laws, and if so, respond accordingly.

The administrator or designee will make a decision determine responsibility within 10 working days of receiving the complaint.

All persons impacted by the act will be provided with information relating to the investigation and outcome of the investigation, including:

- Notice that an investigation has been initiated;
- Notice when an investigation has been completed;
- The findings of the investigation and the final determination based on those findings;
- Actions taken to remedy a person’s behavior and prevent reoccurrence; and
- When applicable, the legal citation of any law prohibiting disclosure of any information described above, and an explanation of how that law applies to the current situation.

Step 3: If complainant or a respondent wishes to appeal the decision of the administrator or designee, the complainant or respondent may submit a written appeal to the superintendent within five working days after receipt of the administrator or designee’s response to the complaint.

The superintendent or designee shall acknowledge receipt of the appeal and may meet with all parties involved. The superintendent or designee will review the merits of the complaint and

the administrator or designee's decision. The superintendent or designee will respond in writing to the complainant within 10 working days.

The superintendent or designee will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 3, as appropriate.

Step 4: If the complainant or respondent is not satisfied with the decision of the superintendent or designee, a written appeal may be filed with the Board within five working days of receipt of the superintendent or designee's response to Step 3. The Board may decide to hear or deny the request for appeal at a Board meeting. The Board may use an executive session if the subject matter qualifies under Oregon law. If the Board decides to hear the appeal, the Board may meet with the concerned parties and their representative at a Board meeting. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. A copy of the Board's final decision shall be sent to the complainant in writing within 10 working days of this meeting.

The Board will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 4, as appropriate.

Complaints can be filed with or communicated directly to the administrator or designee, in which case Step 1 will be skipped. Complaints against the administrator can be directed to the superintendent or designee and will begin at Step 3. Complaints against the superintendent or a Board member(s) can be directed to the Board and will begin at Step 4. If complaints begin later than Step 1, the individuals reviewing the complaint will ensure that all requirements are met.

The complainant, if a person who resides in the ESD, a parent or guardian of a student who attends school in the ESD or a student, is not satisfied after exhausting local complaint procedures, the ESD fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal the ESD's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

Complaints may also be filed directly with the U.S. Department of Education Office for Civil Rights.

ESD administration will develop and implement instructional materials to ensure that all school employees, staff and students are made aware of the policy, this administrative regulation and related practices. The materials will include reporting procedures, educational processes, and possible consequences.

When necessary, timelines may be adjusted by the ESD by communicating to all parties in writing. This communication must include a new timeline and an explanation of why the timeline must be adjusted.

Exhibit G



InterMountain
EDUCATION SERVICE DISTRICT



www.imesd.k12.or.us



2001 SW Nye Avenue
Pendleton, OR 97801



main 541.966.3100
fax 541.966.3240

Date: November 22, 2024

Subject: Bias Incident Investigation Findings / Letter of Directive

Dear Mr. Theis,

This letter is in response to the concern InterMountain ESD received from a La Grande School District employee on October 18, 2024, that you displayed inappropriate materials in clear view of where students sit when they visit your office for purposes of evaluations. The materials were described as transphobic books. This concern was investigated under InterMountain ESD Policy ACB, Every Student Belongs as a potential bias incident. Under Policy ACB, a "bias incident" is defined as a "person's hostile expression of animus toward another person's perceived . . . gender identity . . . of which criminal investigation or prosecution is impossible or inappropriate." Board Policy ACB-AR includes a commitment to preventing further harm against those persons impacted and including educational components and redirection procedures that: (1) address the history and impact of bias and hate; (2) advance the safety and healing of those impacted by bias and hate; (3) promote accountability and transformation for people who cause harm; and (4) promote transformation of the conditions that perpetuated the harm. InterMountain ESD has completed its investigation, and its findings and final determination are as follows:

On October 29, 2024, in an investigative meeting related to the concern raised by a La Grande School District employee, you stated that you have brought a total of three books into school workspaces where you serve students. You display these books in your office. They are:

- *He is He*, by Ryan and Bethany Bomberger
- *She is She*, by Bethany Bomberger
- *Johnny the Walrus*, by Matt Walsh

The description of each book is as follows:

- *He is HE*
Amazon: *He is He* is a ground-breaking children's book that celebrates what it means to be a boy and a man. God designed males and females with such incredible intentionality. Boy oh boy do we need the truth! He is He is undeniable, biological, loveable him.
- *She is She*
Amazon: *She is She* explores what it means to be female . . . and love it! Through rhyme and super cute illustrations this book counters lies of gender spectrum politics and illuminates the beauty of what a girl is. It's all about undeniable, biological, beautiful her!

MISSION
VISION

Johnny the Walrus

To provide outstanding customer service to our school districts in four areas: special education, technology, school improvement, and administrative services.

IMESD strives to ensure the success of every child by providing equitable services to close the opportunity gap. We are committed to the values of antiracism and multiculturalism.

Amazon: Johnny is a little boy with a big imagination. One day he pretends to be a big scary dinosaur, the next day he's a knight in shining armor, or a playful puppy. But when the internet people find out Johnny likes to make-believe, he's forced to make a decision between the little boy he is and the things he pretends to be – and he's not allowed to change his mind.

When provided an opportunity to respond to this potential bias incident under Board Policy ACB, Every Student Belongs, you shared the following:

- The office space you use at La Grande School District is used by you for working with, testing, and evaluating students, and consulting with other teachers. Parents also access your office. → *NO Margaret confirms notes - NO*
- The books are on display in your office as art.
- The books were not retrieved from the library, are not part of any school curriculum, and are not part of any materials you use in carrying out your job responsibilities for InterMountain ESD.
- Students have access to these books, which is supervised by you.
- You decide which students may access the books you display once you understand the gist of why they want to see them.
- When asked if the theme of all the books you display relate to gender identity, you said, yes. *Not gender identity, but identity*
- You stated that you usually know if a student is transgender ahead of time, and that if a transgender student visits your office, you might put the books aside.
- You provided a written response where you identified the books you put on display for students visiting your office as positive and truthful.
- You shared that LaGrande Middle School library has multiple books labeled "young adult".
- Upon learning of the concerns raised on October 18, 2024, by a La Grande School District employee, you moved the books from your workspace at LaGrande School District to Elgin School District.

InterMountain ESD expects all employees to follow its Board Policies, including Board Policy ACB, Every Student Belongs.

InterMountain ESD's investigation has concluded the following:

- Your display of He is He, She is She, and Johnny the Walrus for students visiting your office for purposes of evaluations and student services, amounts to a bias incident under Policy ACB, Every Student Belongs. Your displaying He is He, She is She, and Johnny the Walrus for students visiting your office for purposes of evaluations and student services constitutes a hostile expression of animus toward another person relating to their actual or perceived gender identity. Your admission that if you knew a transgender student were visiting your office you might set the books aside connotes that you understand the impact the books displayed may have on certain students based upon their actual or perceived gender identity.
- After being asked to no longer display these books in LaGrande School District spaces where students take school assessments, you demonstrated a lack of understanding of the impact of their display under Board Policy ACB by moving these books to another school district workspace, where you serve students.

This letter will serve as a directive to you that further conduct of this nature may result in discipline up to and including termination of your employment. You are hereby directed to comply with InterMountain ESD Board Policy ACB and review Board Policy ACB and ACB-AR regarding InterMountain ESD's Every Student Belongs

policy. You are also directed to complete the Making Schools Safe and Inclusive for Transgender Students training through Vector/Safe Schools prior to Thursday, December 5, 2024.

Please sign below that you have reviewed this letter. Your signature indicates that you have read this letter and have received a copy for your records.

Respectfully,

Aimee Vannice

Aimee VanNice

Director of Human Resources and Assistant Superintendent

Employee Signature

Date

Cc: Employee working file

Exhibit H



January 15, 2025

Dear Mr. Theis,

I requested that the District's legal counsel, Elliot Field, assist with the investigation of your appeal of the decision made by IMESD Assistant Superintendent and Director of Human Resources Aimee Van Nice that on or about October 18, 2024 at La Grande School District you were responsible for engaging in conduct that constituted a bias incident under Board Policy ACB and ACB-AR. Mr. Field retained a private investigator, Ussery Consultants LLC, to perform an investigation into your complaints. Keith Ussery, the Principal with Ussery Consultants LLC, provided Mr. Field with a privileged attorney-client investigation report. This correspondence contains a summary of the factual findings and conclusions of Ussery Consultants LLC.

1. Whether your conduct on or about October 18, 2024 at La Grande School District amounted to a bias incident under IMESD Board Policy ACB and ACB-AR. **Finding: Substantiated.** The investigation concluded that you prominently displayed two books, *She is She* and *He Is He*, in your office, an area accessed by both school staff and middle-school-aged students. The investigation found that the books promote a binary view of gender, which excludes and invalidates an understanding of gender diversity and transgender students, staff, and others. The investigation concluded that the display of these books communicates a message of exclusion and diminishes the validity of non-binary and transgender experiences. The investigation concluded that such a display contributes to an unwelcoming environment, which directly contradicts IMESD's commitment to inclusivity and diversity. The act of prominently displaying these books rises constitutes a bias incident, that is, "a hostile expression of animus toward another person relating to the other person's perceived race, color, religion, gender identity, sexual orientation, disability or national origin." (ORS 339.347(1)).
2. Whether your conduct on or about October 18, 2024 at La Grande School District conflicted with the District's policy and responsibilities under Oregon law to ensure an inclusive educational environment. **Finding: Substantiated.** ORS 339.347(3)(a) requires educational providers such as IMESD and La Grande School District to adopt policies that affirm the following principles: (1) All students are entitled to a high-quality educational experience free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability, or national origin; and (2) All employees of education providers

MISSION VISION

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are entitled to work in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability, or national origin.” The investigation found that by prominently displaying *She is She* and *He Is He*, you introduced materials into the public school environment that, even if done so unintentionally, communicates a message that is excluding on the basis of gender identity and undermines the inclusive environment the La Grande School District and IMESD are obligated under the law to maintain.

3. Whether IMESD’s investigation was inaccurate, contained insufficient evidence, and/or was otherwise biased against you. **Finding: Unsubstantiated.** The investigation concluded that at Step 2, IMESD conducted a thorough investigation to determine whether your actions met the policy definition of a bias incident. The investigation found that at Step 2, IMESD’s investigation was guided by clear, established standards, including an evaluation of the potential for harm or exclusion caused by the materials on display. The investigation concluded that IMESD’s findings and response were rooted in evidence aligned with its legal obligations. The investigation found that IMESD’s action in response to finding you responsible for engaging in a bias incident—issuing you a non-disciplinary directive—reflected a measured and constructive approach. Rather than pursuing discipline, the directive serves to guide you to align your professional conduct with IMESD’s commitment to equity. And when you appealed IMESD’s Step 2 decision determining your responsibility for engaging in a bias incident, IMESD initiated another investigation to ensure fairness and objectivity.
4. Whether the claims you assert in your November 22, 2024 response to IMESD’s Step 2 decision warrant a different outcome. **Finding: Unsubstantiated.** The investigation examined the following key claims you made in your November 22, 2024 response: (1) The books are “positive, truthful, encouraging; (2) The books create a welcoming environment; (3) The books “do no harm” and “promote truth”; (4) The original complaint was subjective; (5) Evidence of targeting or impact is required; (6) Other books in the school are viewed differently; (7) You complied with the initial removal directive; (8) You questioned the neutrality of the investigation; and (9); You allege targeting for your personal beliefs. With respect to these that claims you asserted in your November 22, 2024 response and had an opportunity to elaborate upon during the Step 3 investigation, the investigator concluded that there was no sufficient basis to not uphold Assistant Superintendent Aimee VanNice’s Step 2 decision that your October 18, 2024 conduct amounted to a bias incident.
 - a. The books are “positive, truthful, encouraging” – The investigator found that you may find the books to be positive and truthful, you also acknowledge the books present a point of view that not everyone is going to agree with. The investigator

concluded that such a point of view undermines the Board Policy ACB and ORS 339.347.

- b. The books create a welcoming environment – You expressed that displaying the books helped create in your mind a friendly, comfortable, positive environment. The investigator concluded that this perspective does not take into account how students and staff may interpret that the books send a message of bias and exclusion.
- c. The books “do no harm” and “promote truth” – You expressed that your display of the books helps people have exposure to reality in a helpful, positive way. The investigator concluded that this perspective fails to consider the negative and invalidating impact that display of these books may have on others
- d. The original complaint was subjective – You stated that people can take offense at anything, and this complaint is purely subjective. The investigator acknowledged that subjectivity can influence how an individual perceives your actions, the District relied on objective criteria to conduct a thorough investigation wherein it determined that you committed a policy violation (ACB).
- e. Evidence of targeting or impact is required – You pointed out that there is no evidence that you targeted or harmed anyone directly. The investigator did not find that any one person was directly targeted. However, the investigator found that Board Policy ACB does not require evidence of direct targeting for it to be violated.
- f. Other books in the school are viewed differently – You point out that there are books in the school library and classrooms that promote other perspectives and no action has been taken against those. The investigator found there is a critical distinction between materials selected through District-approved processes and are part of a collection of perspectives on relevant topics on the one hand, and two books selected by an individual staff member and displayed in a workspace frequented by students and staff.
- g. You complied with the initial removal directive – The investigator concluded that you removed the books as part of complying with the directive given to you. The investigator further concluded that removing the books does not absolve you from responsibility for the initial display or its potential impact.
- h. You question the neutrality of the investigation – The investigator found that the District ensured that all investigative steps were completed thoroughly and impartially. The investigator concluded that delays in the investigation did occur, but that the timeline adjustments were made to accommodate the gathering of additional information and to ensure a comprehensive review of all relevant facts.
- i. You allege you are being targeted for your personal beliefs – You contend that you have been targeted repeatedly over the years by people who take offense that you

would express yourself in a manner that is not supportive of IMESD or partner districts. The investigator found that IMESD's investigation were based entirely on evidence and in alignment with relevant board policies, not based upon any previous incidents or history involving you.

Conclusion: I adopt the investigator's findings on your appeal. As a result of my upholding the conclusions at Step 2, I am also upholding the Step 2 directive issued to you on November 22, 2024 that you comply with InterMountain ESD Board Policy ACB and review Board Policy ACB and ACB-AR, Every Student Belongs. Additionally, I am upholding the Step 2 directive issued to you that you complete the Making Schools Safe and Inclusive for Transgender Students through Vector/Safe Schools on or before Monday, January 27, 2025. Failure to comply with InterMountain Board Policies and directives may result in discipline up to and including termination of your employment.

You may appeal this decision pursuant to the processes afforded in Board Policy ACB-AR.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Mark S. Mulvihill', with a long, sweeping horizontal line extending to the right.

Mark S. Mulvihill, Ed. D
Superintendent

Exhibit I

Rod Theis

From: Chris Wagner <chris.wagner@lagrandesd.org>
Sent: Wednesday, October 23, 2024 8:36 AM
To: Rod Theis
Subject: Re: Books in your office

Hi Rod,

Thank you for meeting with me this morning to discuss the books "She is She" and "He is He" which were displayed in your office. As per our conversation, please remove the two books from the school and keep them for personal use only.

Thank you,
Chris Wagner

On Tue, Oct 22, 2024 at 8:02 AM Rod Theis <Rod.Theis@imesd.k12.or.us> wrote:

I'm not in the building until Wednesday, but can work with you then on this. Thanks,

Rod



Rod Theis, LCSW | Education Specialist
Rod.Theis@imesd.k12.or.us
InterMountain ESD | www.imesd.k12.or.us
541.276.3211 **voice** | 541.966.3240 **fax**

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From: Chris Wagner <chris.wagner@lagrandesd.org>
Sent: Monday, October 21, 2024 7:35 PM
To: Rod Theis <Rod.Theis@imesd.k12.or.us>
Subject: Re: Books in your office

Sounds good I'll send you an invite. In the meantime, please place the books out of sight.

Thanks,

Chris

On Mon, Oct 21, 2024, 9:29 AM Rod Theis <Rod.Theis@imesd.k12.or.us> wrote:

Hey Chris,

I'm in on Wednesday and can meet anytime then, just let me know a good time. Thanks,

Rod

Rod Theis, LCSW | Education Specialist
Rod.Theis@imesd.k12.or.us
InterMountain ESD | www.imesd.k12.or.us
541.276.3211 **voice** | 541.966.3240 **fax**

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From: Chris Wagner <chris.wagner@lagrandesd.org>
Sent: Monday, October 21, 2024 7:56 AM
To: Rod Theis <Rod.Theis@imesd.k12.or.us>
Subject: Books in your office

Hey Rod,

I had some concerns brought to me about a couple of books on display in your office. If you are in today, let's touch base.

Thanks,

Chris

--

Christopher J Wagner

Principal

La Grande Middle School

(541)663-3425

chris.wagner@lagrandesd.org

Act Justly, Love Mercy, Walk Humbly

--

Christopher J Wagner
Principal
La Grande Middle School
(541)663-3425
chris.wagner@lagrandesd.org

Act Justly, Love Mercy, Walk Humbly

Exhibit J

From: [Mark Mulvihill](#)
To: [Rod Theis](#)
Cc: [Corrina Robinson](#)
Subject: RE: Report from LGSD
Date: Wednesday, October 23, 2024 10:24:43 AM

Rod, The agency received a complaint from the LaGrande School District. We will follow our normal procedures to address the issue, including having our Assistant Superintendent/HR Director facilitate the process. You have already filed a complaint against Aimee, in which I provided my response on September 26.

However, in light of your concerns, I am willing to direct Corrina Robinson, Assistant Superintendent of Special Education, to assist the HR Department and attend the meetings to resolve the matter. As always, you are entitled to representative of your choosing.



Mark Mulvihill, Ed.D | Superintendent
Mark.Mulvihill@imesd.k12.or.us
InterMountain ESD | www.imesd.k12.or.us
[541.966.3102](tel:541.966.3102) **voice** | [541.571.5704](tel:541.571.5704) **cell** | [541.966.3240](tel:541.966.3240) **fax**

2001 SW Nye Avenue
Pendleton, OR 97801

From: Rod Theis <Rod.Theis@imesd.k12.or.us>
Sent: Tuesday, October 22, 2024 5:15 PM
To: Mark Mulvihill <Mark.Mulvihill@imesd.k12.or.us>
Cc: Corrina Robinson <Corrina.Robinson@imesd.k12.or.us>
Subject: FW: Report from LGSD
Importance: High

I have received the follow email from Aimee VanNice today.

Based on multiple experiences with Aimee over the past three years and including two recently, I have no confidence that Aimee can conduct herself in a way that will be fair toward me, and I have grave concerns that she will be biased against me and could even use this as an opportunity to retaliate against me. I am currently working on a formal complaint against Aimee regarding her recent behavior toward me currently.

I request that someone who can be fair and has no history of conflict with me be assigned to oversee the process of handling this complaint.

Further I have looked up the definition of a hostile expression of animus and find the following:

A hostile expression of animus toward another person is a bias incident, which is defined as an act that conveys deep-seated ill will, antagonism, or hostility towards another person. This can be expressed through words, actions, or other mediums.

I have done no such thing. I have two children's books in my office at La Grande Middle School titled "He is He" and "She is She" that I haven't even had a chance to read yet. I have targeted no one, demonstrated no ill-will toward anyone, not been antagonistic toward anyone, nor been hostile toward anyone. I have no reason to believe that these books do so either. No one has expressed concerns to me directly about the books, which have been in my office for almost a month now.

I was emailed yesterday by the middle school principal informing me that he has received some concerns about the books and has asked to meet with me. My first day in La Grande district is tomorrow and we are planning to meet to discuss and address these concerns.

Thank you,

Rod



Rod Theis, LCSW | Education Specialist
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From: Aimee VanNice <Aimee.VanNice@imesd.k12.or.us>

Sent: Tuesday, October 22, 2024 1:51 PM

To: Rod Theis <Rod.Theis@imesd.k12.or.us>

Cc: Gretchen McKay <Gretchen.McKay@imesd.k12.or.us>; Corrina Robinson
<Corrina.Robinson@imesd.k12.or.us>

Subject: Report from LGSD

Importance: High

Hello Rod,

This email is to notify you that I have received a complaint from LaGrande School District, regarding the

following materials displayed in your office at LaGrande Middle School: *He is He* and *She is She*.

As I move forward with this complaint, I will follow IMESD Policy ACB, Every Student Belongs and investigate this as a potential bias incident relating to another person's gender identity.

I have attached Policy ACB and ACB-AR for your reference.

As part of this investigation, you will be provided an opportunity to respond.

I have CC'd Gretchen in this email, as your Supervisor. I have also CC'd Corrina Robinson, as I am aware that Mark Mulvihill has offered you an accommodation of Corrina Robinson attending your meetings, in her role as Assistant Superintendent and Director of Special Education.

You may invite a Licensed Employee representative to this meeting. If you choose to do so, please notify me to include them in the meeting invite.

A virtual meeting will be held Tuesday, October 29, 2024, at 1:30p.m.

Thank you,

aimee



Aimee VanNice | Director of Human Resources / Assistant Superintendent
Aimee.VanNice@imesd.k12.or.us
InterMountain ESD | www.imesd.k12.or.us
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Exhibit K

10-29-24 1:30 pm

Meeting with Rod Theis held at the IMESD

Present: Aimee VanNice, Gretchen McKay, Margaret Anderson, Corrina Robinson

Kim Youncs was the notetaker.

Aimee provided Rod and Margaret with IMESD policies ACB and ACB-AR – Every Students Belongs

Aimee read the following statement to Rod:

The ESD was informed that two books, *He is He* and *She is She* were displayed in your office in an area where no other books were located or displayed.

The District is investigating the display of these books as a potential bias incident under Board Policy ACB – Every Student Belongs.

Aimee explained that she has received a complaint that Rod has the above-named books displayed on a whiteboard tray in his office, and this is Rod's opportunity to respond to the complaint.

Question 1: Did you display the books *He is He* and *She is She* in your office? Were they on a whiteboard tray in your office?

Rod – yes but they are not on a whiteboard tray; they are behind his desk on the windowsills and the windows are frosted

Question #2: Did you retrieve these books from a school library?

Rod - no

Question #3 – Did you retrieve these books from a classroom teacher who is using them as part of their teaching curriculum?

Rod - no

Question #4 – Are these books part of a particular school curriculum? If so, please explain.

Rod - no

Questions #5 – Are these books part of the materials you use in carrying out your job responsibilities for the ESD? (If yes, how do you use them, with whom, how often, when did you start, etc.)

Rod - no

Question #6 – What do you use your office for?

Rod - Working, testing, evaluating students, writing reports, responding to emails, consulting with teachers if they come by.

Aimee - Do students come to office?

Rod - yes when I evaluate them

Aimee - Do parents come to your office?

Rod - yes.

Aimee – Do staff come to your office?

Rod - yes on occasion.

Question #7 – How have you used these books with students, staff or families while working for IMESD?

Rod – I haven't. They are just on the shelf for decoration – in general since I have my own office space I've tried to make a point of decorating the office, make it more student friendly, kid friendly, try to make it less dry. Send a positive message.

Question 8 – Please explain your reason for displaying these books.

Rod – met this author on Sept 28th at Pendleton Pregnancy Care Center – a prolife speaker who was a product of rape. Inspirational story, adopted, living life of advocacy, wrote these books to bring truth and hope to children. Has positive messages about girls being girls and boys being boys. The books present a kid friendly atmosphere. Purchased from the conference directly, they were in my office for 3 weeks.

Aimee: What do you mean by positive?

Rod - bright, put kids at ease to have more kid friendly stuff in the room.

Aimee - Explain more about the message:

Rod - She is she from beginning to end is a story/message that girls can do anything. Celebrating femininity, great to be a girl, a woman. Same thing for the boys. Boys can do great things, boys are dads, tons of examples. Both books say boys and girls are equal but different. Not confusing, good to be a girl, good to be a boy.

Aimee - Can you explain more on the science in the book?

Rod - DNA that determines what we are, never changes, sports – importance of boy's vs girls with separate sports teams so competition is fair. Only girls can get pregnant and be moms.

Aimee previewed the book at this time. Dedication: she is she; she is not he; she is not we.

Aimee: Can you explain the pronouns and your thoughts behind this?

Rod – I asked the school librarian about books on pronouns, the La Grande library has a book called Mine is Mine, a book from the 90's. Very simple book on pronouns. Very consistent and very traditional. Very clear what pronouns are, how they are used. She is not we – it's just a statement about pronouns. Traditional.

Aimee: Does it talk about they/them?

Rod - Yes I believe so.

Aimee: Is it your understanding that mine is mine more of a grammatical explanation?

Aimee can reach out to LG to find out more about that book if needed . She believes it's a grammatical book.

Aimee: Are there bible versus (pointing to bible versus referenced) i.e. Genesis 1.27, Psalm 13.9, etc.

Rod– no he would have to look them up. Probably same ones they put in the prologue.

Aimee: Does the bible support they/them?

Rod: I think the bible supports this book. She is she naturally.

Rod: There's only one way to be she – scientifically. Scientifically females are XX and males are XY. Naturally she is she is his interpretation.

Aimee: If you are working in a middle school, how would this book help a transgender student?

Rod: The books are behind my desk, so any access to this book would be supervised by me. I had another book in Union called Johnny the Walrus, and when a student inquired about it, I shared a little bit of the book, the overall gist of the book, fine to check out book later on. Johnny the Walrus – talks about the creativity of boys. Johnny thinks he's a walrus, mom takes him to the doctor and the doctor goes along with mom, he has a walrus diet, dresses like a walrus. The conclusion was that johnny has a great imagination, just something he was going through.

Aimee: Johnny the Walrus – can you explain when an appropriate time would be to use that book and why can't johnny be a walrus.

Rod - doesn't use the books, they are decoration. It's very common in schools for staff to have their own books in their room, purchased by themselves. Just like having their own lighting, painting their rooms, own music to create their own environment. For me when I find kids' books, even though I won't be reading them, I bring them in for positivity. Always either on or behind my desk.

Aimee: How do you determine who gets to see the book?

Rod: No one – I'll decide who gets to see it once I get the gist of why they are wanting to see it. Want to make sure they are not asking about the book for task avoidance. I would also check with their teacher.

Aimee: When you go into classrooms do other teachers have books on display?

Rod: It depends on the teacher. Sometimes entire libraries, the two rooms on either side of my office have walls of books. Both of those teachers have purchased those books with their own money.

Aimee: Would you say there is a theme to these classroom books?

Rod: I would be speculating, one teacher had English books separated by reading levels.

Rod: In Union, book called Johnny the Walrus – now it's in my Elgin office.

Aimee: What books are in your Elgin office?

Rod – the 3 books

Aimee: Why do all 3 books relate to identity?

Rod: Purpose is a big deal for people in general. One thing of great concern to me is depression. During Covid, I became very aware of the detrimental effect that year. Always told kids they didn't have to wear their masks which I got written up for. When they removed their masks, they would brighten up, more interactive. Anything that I could do even if it's just an artistic display that presents truth.

Aimee: What do you mean by truth?

Rod: She is she, nothing confusing about that. She's bright, happy, a picture that hopefully would make someone smile. If someone has questions, they could ask.

Aimee: Do all three books relate to identity.

Rod: Yes that's the main theme.

Aimee: Do all three books relate to a specific identity?

Rod: Yes

Aimee: Do all three books relate to gender:

Rod: Yes

Aimee (referring to a sentence in the book - to be who God meant her to be.....theme is designed purpose. Please explain that.

Rod - outlines what the bible says. We are all created equally but with different purposes. We are all designed by God, and he was intentional.

Aimee: Does this book support transgender?

Rod: I would say this book is not about transgender.

Aimee: Does this book support a he wanting to be a she?

Rod: No

Question #8 – The District is examining whether display of these books amounts to a hostile expression of animus toward another person relating to their protected status, in this case, gender identity.

Aimee: What is your perspective on whether display of ONLY these two books – He is He and She is She – in a school location, where serving students takes place, is a hostile expression of animus toward others?

Rod: My understanding is a hostile expression of animus is an act, ill will. I have no ill will towards anyone, I have no harm wished on anybody. I don't understand why having 2 books on display that has no ill will in them would make them feel hostility.

Aimee: Are these books visual when a student walks into the office,?

Rod: yes the *She is She* would be more visible. The *He is He* is behind me. I've never had a single comment in the 3 weeks there about the books.

Aimee: How do you think a transgender student would feel?

Rod: If I were to be pulling a transgender student into my office, I might put the books aside.

Aimee: How do you know a student is transgender?

Rod: I'm usually told that ahead of time.

Aimee: Do you understand a middle school student may have these thoughts, and you may not know, and they may observe the books, and you may not have the opportunity to remove these books.

Rod: Yes, it could be possible.

Aimee read the following statement:

The IMESD prohibits retaliation against an individual because in good faith they reported information that they believe is evidence of a violation of a rule or law.

Rod – I went around and talked to some of the other teachers, the librarian, the principal, noticed pictures from several of the books displayed in the library, spoke with one of the counselors, who confirmed that he has gender books in his office.

Aimee: Are you making a report on someone?

Rod: No, just saying it's very important when you are investigating, there are books on display everywhere around me. The vast majority of the books have a big A for young adults that means they are inappropriate for middle schoolers. Including a book about a boy masturbating. Asked for the information to be considered in the context.

Aimee clarified that this meeting is to address a possible violation related to gender and bias according to policies ACB and ACB-AR - Every Student Belongs

Rod: I'm not filing a complaint.

Meeting concluded at 2:17 pm

After the initial meeting concluded, Gretchen addressed Rod about a reported concern about IT.

Gretchen: Victor reported that you were kind to him, but you made casual jabs, comments about Nick and demeaning comments towards IT while he was helping you. IT wants you to be aware that everyone goes through upgrades, and to allow reasonable time for them to complete the upgrades.

Rod: to clarify, I talked about what a blessing it was that Nick was originally hired and the difference it was than working with the previous guy. Nick was phenomenal, it was amazing.

Gretchen – we've talked about this before that we need to not talk negatively about any department.

Rod – I don't believe I spoke negatively about anybody in IT, I don't think I conveyed my frustrations. I don't know how to act differently other than not talk to people.

Gretchen – considering your words in times of frustration. We have to accept a required upgrade willingly and allow it to happen.

Rod (addressing Aimee) when would you like me to get any information to you?

Aimee – this week by Thursday.

Rod – If we have books in our spaces, there should be a variety of books?

Aimee: These particular books cannot go back into your office at this time. These are definitely pointed to a specific gender. Until this investigation is done, these books cannot go back into your office.

Aimee – I would encourage you to use books that are in the school library, neutral books, books that don't display a view that might be contrary to someone else's beliefs or views. While we are on the clock (at work), we are not allowed to express views and opinions on specific subjects.

Rod – is this considered religious?

Aimee – I'm going to let you decide if it's religious. Outside of religious, it does not support transgender or gender neutral.

Rod – I think every book portrays a view.

Aimee - Kids love non-fiction books, those are just thoughts and ideas.

Rod – Lots of those books, evolution is being pushed by someone's point of view. Dependent on whoever is selecting the book. It's hard or impossible to choose a book, movie that isn't going to have a belief. It's going to be a part of almost every single version.

If you find it difficult to find books, use other things like playdoh, Legos, puzzles, etc.

The meeting concluded at 2:27 pm.

Exhibit L

Rod Theis Meeting

10-29-2024

Attendees- Rod Theis, Margaret Anderson, Aimee VanNice, Gretchen McKay, Corrina Robinson, Kim Youncs

Aimee provided a copy of the policies. There were 2 books displayed alone and it is being investigated as a Bias incident. This is Rod's time to provide response to the questions. She gave a reminder to everyone of what a Bias incident is.

(Questions are bold and italicized, Rod's answer follows the hyphen)

Did you display the books?- Yes

Rod explained the layout of his room

Did you retrieve the books from school?- no

a classroom?- no

another teacher?- no

are they part of the curriculum used in your job?- no

are they part of the material you need to carry out your job?- no

What do you use your office for?- Emails, testing, writing reports, consulting with teachers if they come in. They were there for about three weeks when I was asked to remove them. To explain more on a positive, they were used because they are bright, put kids at ease, I was looking for more kid friendly stuff. There is a message inside "She is She" gives a message that girls can do anything, its great to be a girl, it's just great. "He is He" describes boys can do great things, great to be a boy, and great to be a man. It is for grades 2-8 a simple book.

Explain more about the Science of the book?- There is a section at the very end that talks about science "DNA determines if we are male or female"

Aimee started reading the book out loud.

Explain more about the pronoun "She is not we" (a page in the book)- "She is not we" I went to the school library and asked about books on pronouns and they found "Mine is Mine" a very simple book on pronouns and it talks about them.

We, She, He, its all traditional?- It is just statements about pronouns. Like what they actually are. She is not a we, its just a statement about pronouns. (Rod explained “Mine is Mine” to Aimee.

Is “Mine is Mine” a grammatical book?- It is pronouns

Aimee found bible verses in the book as part of the illustrations. She asked “***What are these***” “***are they bible verses***”?- yes ***She then asked him if he knew what the bible verses were.***- He said he was not sure if he knew them.

Aimee came to the science page and asked what was the meaning of the page.- Rod read the page as it was written and explained that females have two x’s and males are x and y, and read “she is She naturally”.

If a child is transgender, how would you use this book to support them?- They wouldn’t. The reason they are behind my desk is to ensure it is supervised. Rod talked about a book he had in Union. A kid asked a little about it and he gave her the gist to determine interest level. Before offering to let her check out the book “Johnny the Walrus”. It is a book about a mom and a boy that thinks he is a walrus. So, she treats him like a walrus. She dresses him like a walrus, feeds him like a walrus, and he ends up getting sick. He comes to the conclusion that he is not a walrus, but everyone supports him through things.

About “Johnny is a Walrus”, explain when you would use the books and why can’t Johnny be a walrus?- I don’t use the books. I use them for art. Other teachers buy books, use personal lighting, music, decorations, to create a good environment. For me, when I find kids books (not that we read them) but I try to buy them. I should be able to control who sees the books.

How do you determine who sees the books?- No one has seen the books, and he repeated the example of the little girl in Union who asked about the book.

When you go into classroom is the multiple books or is there only one or two books?- Depends on the teachers, some have bins and some have walls of books. The teachers bought the books to be available to kids so it varies.

Would you say the books we’ve seen are tied to themes?- I would be speculating because I haven’t noticed. One teacher groups by reading levels and they are color coated.

How many books do you have total?- Including the one in the Elgin office, 3. “She is She” “He is He”, and “Johnny is a Walrus”.

Explain why all three books you have relate to gender identity?- Because it is a value to me. Kids need to know they have purpose especially after COVID. My greatest concern was depression. It had a detrimental impact on kids. Rod talked about a positive kid who had been masking and was really one of the most depressing kids. Rod mentioned that he tried to help

them, but was written up for letting them take off their masks. “I saw the depression firsthand suicidality, drugs, depression, so I anything I do is to display the truth.

What do you mean by the truth? - “She is She” Rod pointed out, She is she, she is beautiful. They are the 3 books I found to display.

Are these about gender? - Yes

Is “She is She” about gender? - yes

Is “He is He” about gender? - yes

Is “Johnny the Walrus” about gender? - yes

Explain this? (Aimee pointed to the shirt on the girl in the book that read “Don’t erase woman”.)
– She is free to be how God wanted her to be.

Explain? It’s about divine purpose

Explain? We are all created for a purpose and God created us for a reason.

The bible verses listed God created them male and female. He explained the DNA determines if we are boys and girls and we never change. He pointed out that boys and girls should participate in their separate sports teams.

Does this support Trans? – No

Does it support a she wanting to be a he? – no

What is your perspective of violating hostile expression and animus toward others by displaying only these two books?- I understand it as being and act toward someone and having these two books there wasn’t toward someone. The superintendent looked at the books, apparently someone looked up the books and took offense. He again explained the layout of the books and stated he has never noticed anyone looking.

How do you feel someone who identifies as transgender would feel about coming into your office? – If pulling a trans I may put this book aside.

How do you know if they are trans?- I pull the file, it is usually in the process.

Do you agree that a trans person in middle school may be trying to figure it all out and you may not know they are trans?- I agree

So, how would you be able to know if the middle schooler was trans? I guess I don’t.

Aimee gave Rod information on retaliation.

Rod said, before we move on, I have been told that others are saying that they have gender affirming books and other books, for example, on masturbating. She said parent will get upset and complain, but she is going to continue to promote the book.

Aimee said that book doesn't violate policies, we are here to discuss a book that violates a policy. Rod said, I will try to send you pictures of the books that I saw on display. Aimee said I don't need those pictures unless you are reporting those books. Rod talked about a bible verse that is on the principal's email that is a bible verse, but it is not denoted. Aimee replied, I don't need that.

IT discussion- Grechen

Victor said that Rod was nice to Victor, but had jabs toward IT mentioning things when he set up the computer.

"Nick can do everything"

"Now everyone dreads IT"

(and there was a third one that I did not get)

Rod- The difference when Nick was hired, Nick brought efficiency, it made it a blessing, and I talked about how efficient he was. I guess Victor thought I was being negative.

All the comments were negative, we have talked about this before, about respecting other departments.

Consider your words in times of frustration. They want to help and are required to help, so let them do it. Allow them the time to do so.

Rod asked how long to get his response in.

Aimee replied to get everything in by Thursday because she has a meeting regarding this.

Rod-Clarifying question- If we have books in our spaces, we have to have lots of books? Aimee- These may not go back in the offide4 space. Aimee suggested types of books that we can have. Corrina said they shouldn't display a view contrary to others. Aimee said we can all have our own views on our off time. We are not allowed to portray or views on others. Rod asked, is this religious? Aimee replied, I'll let you tell me that. Aimee said, it does portray a view, "She is She". Aimee and Corrina gave some examples of books he could have and one of them was solar system. Rod said you are also going to see evolution pushed and they are someone's point of view. We push on kids all the time it is hard to pick one that doesn't have a view pushed. You can't have a truly neutral environment. Aimee said, maybe don't use books, try Play Dough, Legos, etc.

Exhibit M

From: [Rod Theis](#)
To: [Mark Mulvihill](#)
Subject: ACB-AR Step 3 Appeal
Date: Monday, December 2, 2024 3:58:00 PM
Attachments: [Written Response to 11 22 24 Findings.pdf](#)
[Pg 1 Aimee Letter of Findings Directive 11 22 24.jpg](#)
[Pg 2 Aimee Letter of Findings Directive 11 22 24.jpg](#)
[Pg 3 Aimee Letter of Findings Directive 11 22 24.jpg](#)

Hi Mark,

I regret to have to bring yet another situation to you to investigate. On Friday, November 22, 2024, Aimee provided a summary of her findings & letter of directive regarding an ACB complaint filed against me on October 18th. She did not follow ACB-AR processes, reported multiple inaccuracies, and ultimately declared me guilty without sufficient evidence to do so. This was all predictable, given Aimee's previous pattern of violating & disregarding policy processes, and her negative bias against me.

I would encourage you to obtain a copy of her signed letter, dated November 22, 2024, as she made some alterations to it during the meeting and I do not have a copy of this. I am attaching pictures of my unsigned copy that includes some personal marks and notes, as well as my written response to the letter of findings. I will send all of the other evidence that I have in additional emails, since these include many pictures that are larger files. I can also bring the books in for you to review personally, if you would like, just let me know.

It is my understanding that I do not need to complete the additional re-education mandates during the appeal process. If you have a different understanding of this and/or directive during this process, please let me know.

I am hopeful that you will provide a fair and impartial investigation into this situation and bring it to a reasonable close, so that I may move on without further interference to my job performance, or any further need to forward yet another concern to the IMESD Board.

Thank you,

Rod Theis



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**Written Response To: *Bias Incident Investigation Findings / Letter of Directive,*
dated November 22, 2024**

General Response:

I have commonly observed that administrators, teachers, school staff, and itinerant IMESD employees assigned to schools take it upon themselves to make their assigned spaces to be child / student-friendly. I have observed this to include painting their rooms, putting up unique lighting options, Scentsy-pot scents, posters with inspirational quotes, personal pictures of family & friends, inspirational art, books, games, music (including Christian music), and whatever other things they artistically wish to utilize in creating a welcoming space for students.

While I have not always been overly inclined to decorate my office spaces this way, I have tried to make it a higher priority since being placed in Union County schools in 2021 (where I have had my own office spaces) to find things to make my assigned office spaces more inspirational and student-friendly. This has included displaying pieces of art, children's books, occasional personal pictures, and inspirational sayings. I also play Christian music and various podcasts while I am working in my office spaces, but not while evaluating students.

The two books reportedly highlighted as of concern to a staff person in La Grande (*He is He* and *She is She*) were purchased directly from one of the authors, Ryan Bomberger, on September 28, 2024, when I heard him speak at the *Hope with Options* (pregnancy care center) annual banquet in Pendleton. Ryan is an advocate for supporting pregnant women to have the support they need to choose life for their babies. He himself was the product of a rape, whose mom chose life for him, and who was raised in an adoptive family with many siblings – most of whom were also adopted. He stated that his goal in writing these books (along with his wife) was to provide a message of truth and hope for children regarding their God-designed purpose, who are increasingly bombarded with confusing messages regarding their gender identity. These books therefore seemed like edifying and encouraging books to have on hand in my office spaces should someone be interested in them, and that also appeared to be positive kid-friendly artwork to simply display.

The publishers' website description of these books, as taken from the publishers' website www.theradiancefoundation.myshopify.com, is as follows:

Children need the truth about their identity. In a culture that celebrates confusion and chaos, we offer common sense. Introducing HE IS HE and SHE IS SHE. Written by Ryan and Bethany Bomberger, our newest illustrated children's books are ridiculously cute, written in rhyme, and celebrate our God-given design. They are pro-life, pro-adoption, and pro-science.

Written Response To: *Bias Incident Investigation Findings / Letter of Directive, dated November 22, 2024*

He Is He, written by Ryan & Bethany Bomberger, is all about undeniable, biological lovable him. Using rhyme and adorable illustrations, this ground-breaking children's book explores what it means to be a boy...and love it! Primarily for children ages 2-8, the book can also be used as valuable tool for children through 8th grade. It's binary gender-affirming. *He Is He* celebrates God's design for boys and men. In a broken culture that says masculinity is toxic, we set the narrative straight.

She is She, written by Bethany and Ryan Bomberger, is all about beautiful, undeniable, biological her. This ground-breaking children's book explores what it means to be female...and love it! Primarily for children ages 2-8, the book can also be used as valuable tool for children through 8th grade to affirm biological and Biblical gender identity. The *She Is She* book is endorsed by Dr. Alveda King (niece of Martin Luther King Jr.), Eric Metaxas (New York Times multiple-Best Selling author and nationally syndicated radio show host), Kristen Waggoner (CEO/President/General Counsel for the Alliance Defending Freedom), Kristan Hawkins (President of Students for Life of America), Abby Johnson (CEO/Founder of *And Then There Were None*) and more!

It's interesting that it is stated on the website that people promoting the messages in these books are often labeled varying kinds of "phobic", since according to what is written on page one of this letter of findings, the person who filed the *Bias Incident* complaint about me alleges that these books are "*transphobic*". However, the truth is that these books share basic biological and scientific facts regarding the two different genders people can be (male or female), celebrating each of them. The messages are true, inspirational, and beautiful, and they do not speak directly about or against false and confusing narratives like so-called *transgenderism*.

When I was notified via email on the afternoon of October 22nd, 2024, that a *La Grande School District* employee had filed a *Bias Incident* complaint against me with the IMESD (IMESD policy ACB), and that the IMESD would be following IMESD Policy ACB-AR for the process of investigation, I was not familiar with the term *Bias Incident* or the referenced policies. Neither of the other two IMESD staff that I spoke with at that time were familiar with them, as they similarly stated that they had never heard of the term *Bias Incident*. Our lack of knowledge of this policy suggests that ACB-AR may have been violated by IMESD administration who apparently did not "*develop and implement instructional materials to ensure that all school employees, staff and students are made aware of the policy, this administrative regulation and related practices.*"

Never-the-less, I promptly read them in detail in an attempt to try to understand both what they are and what I could expect in the investigative process. However, I was still left

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confused as to how the display of the two books could objectively be considered a violation of the ACB policy in regard to gender identity as a bias incident. Despite email request for clarification, I was not provided any clarification at that time.

I placed these books on the shelf-like windowsills behind my desk at the La Grande Middle School (LGMS) on Wednesday, October 2, 2024. From that time until the time I met with the principal on October 23, 2024, and was asked to remove them (three weeks later), I did not have any student or staff member make any comment to me or inquire about either of the books. To my knowledge, no one entered my desk space to handle or read either of them. Therefore, the covers of these books were merely artwork in my otherwise largely dreary office space, along with the small piece of wood between them that reads “Count Your Blessings”. There is a sign on my door that reads “Staff Only”, so students are not allowed in my office, except for when under my direct supervision during evaluations.

I met with the LGMS principal, Chris Wagner, first thing in the morning on October 23, 2024, per his request and we reviewed the books together and discussed a concern he had received from a staff member who had recently expressed concern about the books (as noted in the other note I wrote up following that meeting). He clarified that even though he did not find anything offensive or inappropriate in the books, he asked me to remove them in order to maintain a more neutral environment, and I agreed to accommodate his request.

Several aspects about this situation are concerning to me, given the environment where my office is located. My office is sandwiched between two 7th & 8th grade ELA classrooms, the school library is just around one corner from my office, and the school counselors’ office is just around the other corner from my office. Both of these ELA classrooms also have their own extensive libraries purchased by the teachers of those classrooms.

- Many of the books within the school library, as well as within the classroom libraries of the ELA teachers, have stickers on them indicating that they are rated for young adults and therefore not appropriate for children; the students in this school are aged 11 – 14, and are not young adults.
- Both ELA teachers have indicated that they purchased many of the books in their classrooms with their own money for student availability due to many students not being allowed to check books out from the library, and one of the ELA teachers reported several parent complaints about some of the material within many various books on her shelves, but that she still believes that promoting and providing these books to children is worthwhile for the other edifying aspects of the books and regardless of the sexually inappropriate aspects of them.

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- Multiple inappropriate topics and subjects for children were observed in just a casual walk through the library, such as is noted in detail in the note I took on October 25th, 2024, and the related pictures.
- One of the school counselors tells me that there are personal books on the shelf in this counselor's office that are also affirming only of gender identity that conforms to the biological sex of the student.
- I notice that the closing inspirational quote in the salutation of the email from the principal of the school is a Bible verse (Micah 6:8), though he does not reference the Bible or the verse that it is taken from.
- I sometimes hear Christian music being played by teachers in their own rooms and while students are present.

I am not referencing any of these things to suggest that these things need to be addressed, but simply to point out that in the context of the LGMS environment, where it is evident that both staff and administrators have the liberty to provide an environment that they believe is positive and friendly toward students, including the display of artwork and/or books according to their own discernment, and which does include material that others can and do find questionable and even objectively inappropriate for children, then it seems strange and inequitable to me that my two positive and truthful children's books would be singled out as somehow inappropriate or offensive to either students or staff in this particular environment.

The IMESD policy ACB defines *bias incident* as “a hostile expression of animus toward another person”. *Hostile expression of animus* is defined as “an act, word, or other medium that conveys deep-seated ill will, antagonism, or hostility towards another person, group, community, property, or pet.” *Animus* is a noun that means “a usually prejudiced and often spiteful or malevolent ill will. It can also mean a basic attitude or governing spirit, or disposition and intention. For example, you might say that someone has animus against someone else, meaning they have a strong feeling of dislike for them, even when there is no good reason for it.” I have no prejudiced, spiteful or malevolent ill-will toward anyone that I work with, or toward any student that is in any of the schools that I serve. I certainly have not done anything to then act out or hostilely express such animus toward anyone. The books that I purchased and placed behind my desk in my office at LGMS also do not convey any sort of animus anywhere within them toward anyone. On the contrary, my words and actions do regularly and consistently display a high value of all people around me, both staff and students, both families and communities. The books that I purchase, the art I purchase, and all the things I bring into the schools I serve are those I believe are positive and encouraging toward those who may see them.

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MULTIPLE INACCURACIES WITHIN LETTER OF FINDINGS:

It is stated on page 2 of the findings that parents access my office; however, parents do not access my office. There is even a sign on my LGMS office door that reads “Staff Only”. I recall being asked during the interview on October 29th about whether parents access my office, and I clearly said that parents do not access my office. Margaret Anderson’s handwritten notes from that meeting confirm that I said “no” when asked that question. I recall that when asked this question that I did clarify that in over 16 years of working with the IMESD, I can count on one hand the number of times that I have made an exception and met with a parent in any of my designated office spaces within schools; and that I have never made such an exception to meet with a parent in my office at LGMS.

It is also stated on page 2 that students had access to the two books; however this also is not true. My office in La Grande is off-limits to students, and this is clearly noted on the door to my office, which says “Staff Only”. The only time students can enter my office is when I bring them in for evaluation purposes. And during those times, I am seated between the student and the books, which were behind my desk. During the meeting on October 29th, I stated that the only way a student could access either of the books is if they asked me and were granted permission from me, which none of them ever did. And when I was asked during that meeting about a hypothetical situation in which a student would have asked to see either of the books, I stated that the review of the book would have been with direct involvement and supervision from me.

It is stated on page 2 that I decide which students may access the books I display, but again this is not accurate. During the meeting on October 29th, I stated that no student ever asked me about the books in my office at LGMS. When Aimee asked me to speculate about what I would do if a student did inquire about the books, I shared with her what occurred during the only incident in which a student in my office in a different district (*Union*) had asked me about a different book that was on my desk (*Johnny the Walrus*). I explained that I believed that student was attempting to distract from the required evaluation tasks we were working on, but that in that single case I explained the gist of the book to the student and then offered reading the book together as a reward following the testing session, which we did end up doing. I suggested that I would probably have done something similar if a student at LGMS had asked me about either of the books in my office there. Letting another person use a personal item should always have a sense of boundaries, and this is all that was meant to be implied in my responses.

It is stated on page 2 that I agreed that the theme of all three of the mentioned books are about gender identity, however, *Johnny the Walrus* is not about gender identity and I don’t recall ever agreeing that it was. What I recall about this topic from the interview on October

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29th is that at one point Aimee made the statement that all three books are about identity, and she asked why this subject is important to me. I agreed that all three books are about identity, not gender identity. Even the Amazon description of the *Johnny the Walrus* book at the top of the page 2 letter of findings clearly shows that while identity and creativity are topics addressed within it, it is not a book about gender identity.

It is stated on page 2 that I said that I know if a student is transgender ahead of time and that I might put the books aside prior to working with that student. However, I do not believe that transgender is something that is real or something that a student can be, even though I do acknowledge that some people do struggle with gender confusion. The context of the interview on October 29th, 2024, was that Aimee was accusatorily asking me about working with transgender students, and students who might be questioning their gender identity. She directly asked me an accusatory and leading question (much like a prosecuting attorney might) about whether I would potentially give consideration to setting the books aside for a time when meeting with a student in my office for whom the subject of gender identity might be an especially sensitive or upsetting topic. It was in response to her suggestion that there could be a scenario where a student could be upset by the presence of the books that I stated that I would consider setting the books aside in such a potential scenario. She then asked how I would know if a student was questioning their gender identity, and I explained that school staff and case managers have always been proactive and forthright to let me know in advance regarding whether a student was struggling in this particular way. I do not believe that the messages within these books are harmful to or toward anyone, and I did not intend to convey anything in my responses to the questioning on October 29th that would have implied that. Another example would be that if I am made aware that a student is deeply offended by the pledge of allegiance, or the American flag, or by something else displayed in my office, then I will consider whether it is beneficial to temporarily set this thing aside while meeting with them, in order to have it not be a distraction during our time together (not because any of these items are actually inappropriate or harmful, which she later presumes to be the reasoning for why I would consider setting them aside temporarily).

It is stated on page 2 that after being asked to remove the books from my LGMS office, I then placed them in my Elgin office, but this is not true. After removing the books from my LGMS office on October 23rd at the request of the building administrator, I put them in my backpack and car, until I brought them to the meeting on October 29th for review as part of Aimee's investigation; they were then transported to my house and left there. During the meeting on October 29th I did ask two questions regarding the two books – one was if the perceived problem was that these were the only two books displayed in my office, so if I should have more books displayed covering a variety of topics; and the other was if I could

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put them in my Elgin office, if they were approved by that building administrator. The response I was given by Aimee during the meeting was that these two books were not appropriate to be in any of my office spaces within any school district, and so I did not violate this directive to not have them in any of my office spaces.

It is stated on page 1 that the person reporting the complaint believed that the two books in my LGMS office were “transphobic”, and then on page 2 it says that the display of my various books (including *Johnny the Walrus*) within my various office spaces (including Elgin) constitutes a hostile expression of animus toward another person in regard to that person’s gender identity. However, *Johnny the Walrus* was not part of this complaint, is not hostile, is not about gender identity, and was not targeted toward anyone. The other two books are not hostile, were not targeted toward anyone, and their display was not hostile. It is difficult to know or anticipate what things a person may take offense to, or what it is that people will be offended by. I have both seen and experienced that there is almost always someone who is going to take offense at just about everything, including positive things – so someone’s offense should not automatically mean that something is inappropriate or targeted toward them. For example, somebody may be offended by other things displayed in my office, such as the American Flag, the Pledge of Allegiance, the Constitution or Bill of Rights, the “count your blessings” plaque, or various clothing items I sometimes wear that say “Pendleton” when I am working in La Grande or Elgin. I do not have any hostile intention toward anybody with these displays, and I also should not be labeled as demonstrating hostile expressions of animus just because I display them and then someone gets upset by them. There needs to be a fair balance between how reasonable a person’s concern is and the actual threat posed by what is upsetting them. Just because I state that I am willing to consider when it might be best to set something aside in order to create an accommodating environment for a particular student, this does not mean that my display of something positive is then inappropriate, hostile, or targeted, just because someone could potentially take offense to it.

It states on page 2 that I shared that there are multiple books in the LGMS library labeled *Young Adult*. This I did share, but this statement without context is odd and incomplete, because I also pointed out that the classrooms on either side of my office have many such books on display for middle school children (age 11-14), which were purchased by the teachers of those classrooms, and which have adult themes that are not appropriate for children. I also pointed out that the school counselor reports that the only books about gender in this counselor’s office are biological gender-affirming. All of this information shows that the person who made this complaint about my displayed truthful and positive children’s books was in fact singling me out and targeting me – that was the point.

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TIMELINE & COMMUNICATION VIOLATIONS:

According to IMESD Policy ACB-AR, *“The administrator or designee will make a decision determine responsibility within 10 days of receiving the complaint.”* Therefore, Aimee VanNice, who was in charge of the investigation, was required to render a decision within ten days of receiving the complaint. Although I believed that this timeline started on October 22nd, 2024 (when I was notified about it), according to what is said on page 1 of the letter of findings, this start date was actually October 18th, 2024. The ten-day deadline for a decision was therefore Monday, October 28, 2024. Although, the policy also states that *“When necessary, timelines may be adjusted by the ESD by communicating to all parties in writing. This communication must include a new timeline and an explanation of why the timeline must be adjusted.”*, Aimee did not provide a new timeline or any explanation of why the timeline needed to be adjusted.

Also on October 22nd, 2024, Aimee notified me of a meeting request for October 29th, 2024, during which she intended to interview me regarding the reported concern. The date requested was after the 10-day deadline for her decision, and she provided no explanation of why she was extending the timeline. This led to confusion regarding the policy process and expectations.

During the meeting on October 29th, 2024, when I requested clarification of when I needed to have my written response and other evidence that I wished to be considered to be provided to her, she told me that she wanted all materials by October 31st, 2024, and that she intended to provide a decision by November 5th, 2024. Again, she provided no rationale as to why she was apparently extending the deadline for her decision.

I then did not receive any communications from Aimee or any other IMESD administrator regarding this complaint or investigation until November 20th, 2024. The communication I received on that date was a notification of completion of the investigation and then a meeting request for November 22nd, 2024, to communicate her findings. Again, there was not any notification of the timeline being extended or reasons for the extended timeline.

During the meeting on November 22nd, 2024, I asked Aimee for clarification regarding the failure to adhere to the 10-day timeline and the lack of communication from her regarding her intention to apparently extend the timeline. She stated during this meeting that the extended timeline was due to involvement of the IMESD legal team to review the information and provide guidance. However, this does not excuse the lack of communication from Aimee to me regarding why she needed to extend the timeline and what I could expect from her or when.

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NO TARGET AND NO IMPACT:

IMESD Policy ACB and ACB-AR clearly state that in order for there to be a bias incident, then there has to be a person or group of people who were targeted and impacted, but there is no evidence provided of anyone being targeted or impacted. The only suggested evidence of impact in the letter of findings is that a staff person was offended by the display of the two books in my office and that this staff person considers them to be “transphobic”. However, there is no evidence that the books actually are “transphobic” or that this person or anyone else was targeted by my displaying them in my office. It seems like the goal of the letter of findings is to hypothesize possible targeting and possible impact, since no such targeting or impact actually existed. And the evidence also shows that I did promptly remove the books when I was made aware of the concern expressed by a staff person and the building administrator requested me to remove them for the sake of creating a more neutral environment. And the evidence also shows that the LGMS building administrator clearly stated that he did not consider my display of the books in my office to have been inappropriate, or that I targeted anyone by simply displaying them.

“FURTHER CONDUCT OF THIS NATURE”?

Ultimately, I believe that the crux of the issue here is that of harm – what is harm and what constitutes harm. I believe that false worldviews (including transgenderism) are harmful to people in general, and especially to children; while some people (like the one who was offended by the two truthful books displayed in my LGMS office) seem to believe that messages that do not overtly support their false worldviews are harmful. The *Hippocratic Oath*, which is a basic ethical guideline for all people working in healthcare, or with children, and/or with those who are vulnerable, says “Do No Harm”. This is an ethical mandate for all of us working in schools, and under no circumstance should I or anyone else be compelled to do anything that we believe is harmful to a child or a student. I have a proven record of my high regard for the safety and wellbeing of the children I work with by refusing to force them to wear masks three years ago (which I believe is harmful), even when such behavior put my own job security at risk. I will not lie to others, willingly perpetrate harm toward others, or encourage others to harm themselves. While there is precious little that I can do within the school environment to create a positive environment for children and to encourage them, my office space is one of those precious little things and spaces, which I should not be hindered in creating as positive of a space as I can, and regardless of what someone else may think who has a different definition of truth and/or harm.

I have not done anything to demonstrate a hostile expression of animus toward anyone, whether or not a person has any confusion or disillusionment about his or her biological

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gender identity. The two books I have previously displayed in my LGMS office in no way constitute a bias incident. While I should not have been compelled to remove them from my office space, I have complied with the request to do so. Yet, it is concerning that I am now threatened with discipline including up to loss of employment if I have any ‘further conduct of this nature’ – because I don’t know what is meant by this? Is the nature referred to simply when someone who disagrees with me about what is true, positive, or harmful, decides to take offense at something in my office space in the future?

I have been targeted repeatedly over the years that I have been employed by the ESD through complaints from staff persons who have similarly taken offense at me because I have in some way voiced something that they consider offensive and other than what they consider to be true, harmful or good. Some examples from over the years that I have been employed by the ESD include that I was forced to go home and change a shirt I was wearing at a training at the ESD building that said “*Christians were Persecuted Today*”; I was removed from my longstanding successful placement in Umatilla School District for truthfully reporting harm being done to a student in that district and recommending remedial steps; at least one staff person from Milton-Freewater School District attempted to get me fired from the IMESD for voicing disagreement to the value and activities of the *Oregon Education Association* in a group email conversation that they had included me in; and then a teacher from La Grande School District attempted to get me fired for not masking in general, and for me not requiring children to mask while they were alone with me in my office. So this latest incident seems to follow the same pattern of offense and complaint with the intent to get me reprimanded or fired, and I can’t imagine that there won’t be another situation at some point, because this has nothing to do with me doing anything wrong...it has only to do with differing beliefs about what is true, what is good, and what is harmful. *Dostoyevsky* rightly observed that the man who “*has a conscience will suffer for his mistake – that will be punishment as well as the prison*” and “*The degree of civilization in a society can be judged by entering its prisons.*”

Aimee VanNice directly stated during the October 29th meeting that things displayed in our offices, including any books, should be neutral. However, pro-gender-confusion messages are not neutral, and neither are messages promoted by *Planned Parenthood* or the *Oregon Education Association* – yet all of these harmful messages abound within the educational environment. I also see staff in schools wearing pro-union gear all the time, which is a political, divisive and hostile organization to both children and staff. The reality is that non-neutral and harmful messages abound within the school environment and this written directive to me seems less about creating a welcoming or neutral environment than it is about creating an environment where the only messages allowed are those supported by groups like the *Oregon Education Association* and/or the *Democrat Party*.

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It should also be noted that the administrator of LGMS stated clearly to me that it was his opinion that the two books of concern are not inappropriate and that I did not do anything wrong by displaying them in my office. Further the building administrator where my Elgin office is located also has stated that there is nothing wrong with the *Johnny the Walrus* book that is in my office there, and he has given his approval for the book to be displayed there. This is further evidence that Aimee's declaration that my display of these books amounts to a *Bias Incident* then seems to be itself biased and inappropriate.

In the story of Daniel in the Bible, those who wanted to find fault with him and get him removed from his employment realized that the only way they could do this would be to do so in regard to the law of his God. So they had the king create a law that they knew Daniel could not obey, since it violated the law of God. In the same way today, those who hate God's laws and His faithful followers, have been attempting to create various laws or policies that they know people who love God cannot obey. Because of this, there have been and continue to be faithful people who have been targeted and fired, and lawsuits continue to abound throughout the country regarding the same things that relate to the subject matter of the two books displayed in my office, my right to display them, and whether or not doing so constitutes some sort of bias incident. Though some people want to suggest that it does, others clearly acknowledge that it does not. The evidence clearly shows that it does not, regardless of whether some people want to believe that it does.

Final Thoughts:

All I seek to do in the school environments where I am assigned is my job, and I don't appreciate the targeting and distraction that this situation has caused me. Neither do I appreciate the lack of adherence to the designated timeline and required communications outlined in the policy ACB-AR, which are there for the purpose of quick resolution and clarity of expectations for those involved. I also don't appreciate the lack of clarity that still exists due to bias of the investigator and the lack of evidence to support her accusations.

As previously stated on October 29th, I will make it my aim to get the specific approval of the lead building administrator for all the pictures, books and art that I want to display in my office space in their building. And while I don't think that this approach will remedy the tendency of some staff to target me in particular for inequitable scrutiny, it may be helpful for the administrator to be able to more proactively address any such staff concerns since the administrator will be fully aware of the item(s) in question at the time that such a concern is brought to his or her attention. And while this may not guarantee any further perception of violation of policy ACB, it is all that I can do.

Exhibit N

Name: _____

Date: _____ Period: _____

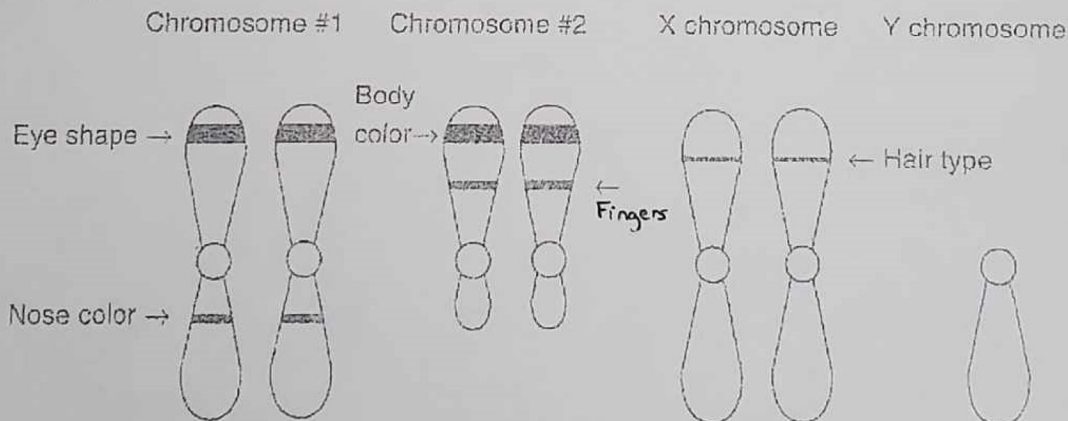


SESAME STREET: GENETICS

Introduction:

It is an exciting time for geneticists as they have just discovered the genome for *Sesamus muppetis* (sesame street characters). They have determined that Sesame Street characters have six chromosomes. On these chromosomes they have found specific locations of the following genes: eye shape, nose color, body color, hair type and presence of fingers.

Gene Map



Sesame Street Photo Album



Zoe



Rosita



Abbey



Grover



Elmo



Telly

OBSERVATION AND GENETIC CHARACTERISTICS

Instructions:

1. Use the Photo Album to determine the phenotype of each of the monsters.
2. Use Table 1.1, fill in the possible genotypes for each of the monsters

GENOTYPES TABLE

		Eye Shape	Nose Color	Body Color	Hair Type	Fingers
Zoe (female)	Phenotype					
	Possible Genotype					
Rosita (female)	Phenotype					
	Possible Genotype					
Abbey (female)	Phenotype					
	Possible Genotype					
Grover (male)	Phenotype					
	Possible Genotype					
Elmo (male)	Phenotype					
	Possible Genotype					
Telly (male)	Phenotype					
	Possible Genotype					

GENETICS OF SESAME STREET CHARACTERS (Table 1.1)

Characteristic	Phenotype	Genotype	Type of Inheritance
Eye Shape	Exo (pops out)	EE, Ee	Dominant/recessive
	Endo(flat)	ee	
Nose Color	Pink	PP, Pp	Dominant/recessive
	Orange	pp	
Body Color	Red	RR	Multiple alleles; R,B, & O
	Teal/Baby Blue	RB	Incomplete dominance
	Pink	RO	
	Magenta/Purple	BO	
	Orange	OO	
	Royal Blue	BB	
Hair Type	Hairy	$X^H X^H$	X-Linked (Sex Linked)
		$X^H X^h$	
		$X^H Y$	
	Bald	$X^h Y$	
		$X^h X^h$	
Fingers	Fingers	FF, Ff	Dominant/Recessive
	No Fingers	ff	

Name: _____

Date: _____ Period: _____

SESAME STREET: GOING TO THE CHAPEL

The monsters have been dating and have determined that they are ready for the next step. In order to get married on Sesame Street, a genetic test is required.

Check with the head geneticist, K. Nickerson, to determine which couple you will be assigned to for licensing.

Couple _____

Female Monster's Name: _____

Characteristic	Phenotype	Possible Genotypes	Type of Inheritance
Eye shape			
Nose Color			
Body Color			
Hair Type			
Fingers			

Male Monster's Name: _____

Characteristic	Phenotype	Possible Genotype	Type of Inheritance
Eye shape			
Nose Color			
Body Color			
Hair Type			
Fingers			

Verify your work and the results of the genetic tests.
Cross out the incorrect genotypes.

Name: _____

Date: _____ Period: _____

SESAME STREET: PUNNETT SQUARES

Couple _____

Eye Shape: _____ x _____

Genotype Percentages: _____

Phenotype Percentages: _____

Nose Color: _____ x _____

Genotype Percentages: _____

Phenotype Percentages: _____

Body Color: _____ x _____

Genotype Percentages: _____

Phenotype Percentages: _____

Hair Type: _____ x _____

Genotype Percentages: _____

Phenotype Percentages: _____

Fingers: _____ x _____

Genotype Percentages: _____

Phenotype Percentages: _____



Name: _____

Date: _____ Period: _____

SESAME STREET: MONSTER CHILDREN

Using information from the Punnett squares, create two monster children. One monster child should have the most likely characteristics (highest probabilities) from your Punnett squares. You can be creative with your second child, but you need to make sure that it has the possibility of having traits based on your punnett square results. Name your monster children and draw a family portrait.

Name of Monster Child #1 _____ Circle One: female male

Characteristic	Phenotype	Genotype	Type of Inheritance	Probability of Trait
Eye shape				
Nose Color				
Body Color				
Hair Type				
Fingers				

Name of Monster Child #2 _____ Circle One: female male

Characteristic	Phenotype	Genotype	Type of Inheritance	Probability of Trait
Eye shape				
Nose Color				
Body Color				
Hair Type				
Fingers				

Exhibit O

From: [Rod Theis](#)
To: kelly.bissinger@imesd.k12.or.us; ["Joe McElligott"](#); maria.sanchez@imesd.k12.or.us; claudia.limon@imesd.k12.or.us; steve.muller@imesd.k12.or.us; ["Merle Comfort"](#); dale.bingham@imesd.k12.or.us
Subject: ACB-AR Step 4 Appeal to the IMESD Board
Attachments: [image001.jpg](#)
[Superintendent ACB-AR Appeal Response 01 15 25.pdf](#)
[IMESD Policy ACB-AR.pdf](#)

Hello IMESD Board Members,

Thank you, again, for your service.

I am appealing a recent superintendent decision suggesting that I am guilty of a Bias Incident violating IMESD policy ACB. The matter seems to be a fairly clear example of viewpoint discrimination against me, rather than a bias incident. Thank you for your consideration on this matter. I can provide copies of the books, all communications and evidences, etc., upon your request.

I would also like to again request consideration of and response to my separate KL-AR1 appeal submitted on November 5th, 2024 (Multiple Examples of Inappropriate behavior by Aimee VanNice), since I have not yet received any kind of response to that appeal request.

Thank you,

Rod Theis



Rod Theis, LCSW | Education Specialist
Rod.Theis@imesd.k12.or.us
InterMountain ESD | www.imesd.k12.or.us
541.276.3211 voice | **541.966.3240 fax**

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Exhibit P



InterMountain
EDUCATION SERVICE DISTRICT



www.imesd.k12.or.us



2001 SW Nye Avenue
Pendleton, OR 97801



main 541.966.3100
fax 541.966.3240

Date: February 24, 2025

To: Rod Theis

From: Kelly Bissinger, Board Chair for InterMountain ESD

Re: Board Policy ACB, ACB-AR Step 4 Appeal

Pursuant to InterMountain ESD Board Policy ACB and ACB-AR, please find the following written decision. On or about January 22, 2025, you submitted an appeal to the InterMountain ESD Board under Board Policy ACB-AR, Every Student Belongs Bias Incident Complaint Procedure. You submitted a Step 4 written appeal after receiving a Step 3 response from the superintendent or their designee, which (1) substantiated that your conduct on or about October 18, 2024 amounted to a bias incident; (2) substantiated that your conduct conflicted with the District's policy and responsibilities under Oregon law to ensure an inclusive educational environment; (3) did not substantiate your claim that IMESD's investigation was inaccurate, contained insufficient evidence, or was otherwise biased against you; and (4) did not substantiate that the Step 2 findings warranted a different outcome. Under Board Policy ACB-AR, the Board may decide to hear or deny the request for appeal at a Board meeting.

On February 19, 2025, your appeal was received by the Board in executive session where the Board considered its options with legal counsel. After reconvening in open session, the Board took action and voted to deny your request for appeal. The Board relies on the findings of the Superintendent.

As a complainant who has exhausted local complaint procedures under Board Policy ACB and ACB-AR, you may appeal the InterMountain ESD's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules Chapter 581, Division 75.

Sincerely,

A handwritten signature in black ink that reads "Kelly Bissinger".

Kelly Bissinger

MISSION

To provide outstanding customer service to our school districts in four areas: special education, technology, school improvement, and administrative services.

VISION

IMESD strives to ensure the success of every child by providing equitable services to close the opportunity gap. We are committed to the values of antiracism and multiculturalism.