

**IN THE CIRCUIT COURT OF ST. CHARLES COUNTY  
STATE OF MISSOURI**

STATE OF MISSOURI ex rel. ANDREW	)	
BAILEY, in his official capacity as	)	
Missouri Attorney General,	)	Case No.:
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	
	)	
WENTZVILLE SCHOOL DISTRICT	)	
BOARD OF EDUCATION	)	
	)	
<i>Defendant.</i>	)	

**AFFIDAVIT OF RENEE HENKE**

1. My name is Renee Henke. I am over eighteen years of age, of sound mind, capable of making this affidavit, and personally acquainted with these facts.
2. I am a Wentzville School Board Director, elected to the Board in April 2023.
3. On July 25, 2023, the Board held a Regular Board meeting.
4. In closed session the “Uniform Process for Transgender Student Accommodation Requests” was presented to us.
5. It was uploaded for us to access about 30 minutes before the meeting started. No Board member had a reasonable amount of time to review it before the meeting.
6. Pat Bazill (attorney) began to explain the process to us by reading the document and explaining what it meant.
7. Once we got to “Step 2: Determine Student’s Age and Parental Notification” the Board began to discuss the policy amongst ourselves.
8. Jen, David, and I had concerns that the document indicated that in some cases parents would not be notified if their child requested a restroom accommodation.

9. Pat provided instances in which a parent would not be notified. An example was given if the staff felt there was abuse in the home, then the parents would not be notified.

10. That student would then have a “trusted” staff member be their advocate.

11. We then discussed among ourselves as a Board if we felt that was appropriate.

12. The Board deliberated for about 10-15 minutes without any attorney input or communication.

13. Some Board members expressed that not notifying the parents could be appropriate and some Board Members expressed that it is never appropriate.

14. One Board member said something to the effect of, parents don’t need to know.

15. We began talking/disagreeing whether or not parents should always be notified or if there would be instances that parents would not be notified.

16. At some point someone asked if this discussion should be in an open session.

17. Danielle (Superintendent) told us that this conversation can’t be discussed in open session because we would be a “lightning rod” for lawsuits.

18. Danielle then told us that there was a male student that was using the female restroom at one of our middle schools and they would be a freshman this school year.

19. She continued by saying that the girls do not mind. They think of this (boy) student as “just one of the girls” and if we saw this student, we wouldn’t even know he was a boy.

20. Danielle expressed that she wanted us to approve this “process” immediately so she could get it out to staff before school started.

21. Many of us expressed that we were not comfortable voting on something that we did not have time to review.

22. I said that I had not read it because it had just been uploaded.

23. There was concern that we needed to move on to the other closed agenda items before we had to go into open session. There was a motion to table the vote on the “process” until we could have more time to review the document. We voted 7-0 to table.

24. Danielle asked all of us to send in our questions, comments, and concerns by email to her and Matthew so they could make revisions to the document.

25. We moved on to the next items on the agenda for closed session. Once finished we adjourned to go into open session.

26. This document was never brought back to the Board for review.

27. The document was shared with us in our “Staying on Board” updates. To my understanding it has also been shared with building staff with a few changes from the original document.

Further affiant sayeth not.

BY: Renee Henke  
Renee Henke

Subscribed to and sworn before me this 25<sup>th</sup> day of September, 2023.



Abby Marie Wissmann  
Notary Public

My commission expires: 10/10/25 :

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BAILEY, in his official capacity as	)	
Missouri Attorney General,	)	Case No.:
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<i>Plaintiff,</i>	)	
	)	
v.	)	
	)	
WENTZVILLE SCHOOL DISTRICT	)	
BOARD OF EDUCATION	)	
	)	
<i>Defendant.</i>	)	

**AFFIDAVIT OF JENNIFER OLSON**

1. My name is Jennifer Olson. I am over eighteen years of age, of sound mind, capable of making this affidavit, and personally acquainted with these facts.
2. I am a Wentzville School Board Director, elected to the Board in April 2023.
3. On June 14, 2023, District General Counsel, Patrick Brazill presented two legal memos to the Board. One pertaining to School Board Meeting Invocations, and one pertaining to Transgender Student Restroom Usage.
4. I objected to these items being discussed by the Board in Closed Session because these pertained to normal operations of the District.
5. I stated I believed that discussion was in violation of the Sunshine Law.
6. Director Renee Henke and Director David Lewis agreed with my objection.
7. President Jason Goodson, followed by Superintendent Dr. Danielle Tormala, stated that the Board could not have these discussions in Open Session because “the [organization] will come after us” and the District would open itself up for a lawsuit.

8. I stated that fear of litigation was not a valid reason to discuss public business in a Closed Session meeting. My objection was dismissed, so I asked that the Board Secretary, Katie Lyczak, to notate my objection in the meeting minutes.

9. I stated that if the Board were to continue discussing the agenda item, that Board Members should direct their questions and comments to Mr. Brazill and not discuss the topic as a Board.

10. Vice President Shannon Stolle echoed my statement.

11. Despite this cautionary directive, the Board discussed the bathroom usage policy.

12. The discussion pertaining to prayers at Board meetings persisted to the point of the Board unofficially deciding not to add prayer to the policy about Board meeting agendas.

13. The discussion pertaining to bathroom usage among Board members, and not including the attorney, continued for approximately 10-15 minutes.

14. The Board directed Dr. Tormala and Mr. Brazill to bring a policy/procedure back to the Board for discussion.

15. There was a small portion of the discussion on June 14, 2023, that pertained to an individual student. The Board could have gone into Closed Session after the Open meeting to discuss this small portion.

16. On July 25, 2023, I pulled the minutes of the June 14, 2023 Closed Session meeting from the consent agenda because my objection to the Board closed discussion about the transgender student bathroom policy was not notated.

17. During the July 25, 2023 meeting, the Board adjourned to closed session where Mr. Brazill presented a Uniform Process for Transgender Student Accommodation Requests.

18. Directors Henke, Lewis, and I again stated that the Board should not be discussing this topic in Closed Session and that it should be moved to Open Session. Our concerns were again dismissed without a Board vote and the discussion proceeded.

19. Board members continued to discuss the transgender student bathroom use policy. The conversation continued for at least 10-15 minutes and went beyond consulting with our attorney. The conversation included board members expressing their general policy positions on the issue, the role of government in the lives of students, and how the Board could not have this discussion in front of parents or the community.

20. Directors Henke, Lewis, and I protested throughout the conversation, stating that the procedure presented to the Board should be a policy and voted on in Open Session.

21. Dr. Tormala stated that the transgender student bathroom accommodation process cannot be a policy because it would "make us a lightning rod" for litigation, especially from [a particular organization].

22. In response to Directors Henke, Lewis, and my objections and insistence that the transgender student bathroom usage policy should be discussed in Open Session, Member Julie Scott stated, "quite frankly, it's not the parents' damn business".

23. Directors Henke, Lewis, and I continued protesting, stating that not only should the discussion be in Open Session, but the procedure presented to the Board should be a policy made public for the community to review and address with the Board in Open Session prior to Board approval. Our concerns were dismissed yet again.

24. President Goodson and Dr. Tormala proceeded as if they were going to end discussion and implement this process.

25. I stated that I was extremely uncomfortable with that decision and that the Board needed more time to review the Uniform Process since it was not available to the Board for review prior to the meeting. Directors Henke and Lewis agreed.

26. President Goodson and Dr. Tormala stated that Board Members could send their concerns and comments to Mr. Brazill by the following Monday, July 31, 2023.

27. On July 31, 2023, I emailed President Goodson urging him to immediately halt discussion and actions pertaining to the Administration's proposed Transgender Student Accommodation Request procedure. I advised him that I believed the Board was in violation of the Sunshine Law and asked that no further discussion take place outside of an Open Meeting.

28. On August 8, 2023, Director Henke emailed President Goodson, Dr. Tormala, and me, stating that she agreed that all discussions pertaining to this topic needed to stop or be held in Open Session. Director Henke expressed her concerns that the Board was in violation of the Sunshine Law.

29. On August 24, 2023, I pulled the June 14, 2023 Closed Session minutes from the consent agenda because of the following notation under my objection to the prior discussions: "Director Olson requested the discussion to be moved to open session. The Board of Education continued the discussion in closed session, ensuring all discussion was pertaining to items closed under Missouri Sunshine Law."

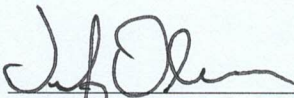
30. This notation was not accurate because only a small portion of the discussion pertained to a specific student and that portion could have been discussed in a separate Closed Session. Whereas, the majority of the discussion was among Board members about their

individual positions on the policy, the role of government in the lives of students, and how the Board could not have this discussion in front of parents or the community.

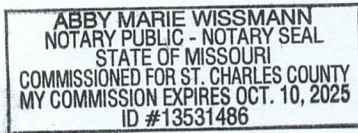
31. Directors Henke, Lewis, and I voted “Nay” on the meeting minutes for the June 14, 2023 Closed Session, but they were passed with a majority vote in favor.

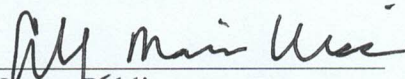
32. After this closed session meeting, parents and students have expressed to me that the transgender bathroom use policy is being implemented on our campuses.

Further affiant sayeth not.

BY:   
Jennifer Olson

Subscribed to and sworn before me this 25<sup>th</sup> day of September, 2023.



  
Notary Public

My commission expires: 10/10/25.