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STATE OF WISCONSIN)

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COUNTY OF ONEIDA)

I, Mark Nienstaedt, state under oath that:

1. I am currently a teacher at Conserve School, where I have taught since August 2003.
2. I teach Advanced Placement (AP) economics, a college level course, along with elective upper level history courses such as Euro-American History. I also mentor independent-study students.
3. Before teaching at Conserve, I was an attorney in the State of Oregon and a District Attorney in Wheeler County, Oregon.
4. I am also currently a "house parent" responsible for supervising up to ten boys in the Osprey wing of the Donahue House.
5. The January 30, 2009 announcement of the school's closing has been dramatically disruptive emotionally and academically for students, teaching faculty and staff.
6. For example, the demands of the AP curricula are such that every hour of instruction is vital in order for students to be ready for the May Advanced Placement examinations for college credit. The disruption of the rhythms of study as a result of the announcement, has posed a difficult challenge to preparing students for AP exams.
7. I know of at least one student who withdrew from attending Conserve the week following the announcement. Her unexplained withdrawal suggested to me that the stress of the school's closing caused or contributed to her withdrawal.
8. All regular weekly staff and faculty meetings have been cancelled since January 30, 2009. This includes the cancellation of Thursday teaching faculty meetings where substantive curriculum development and teaching methodology were discussed. The teachers have been left with the impression that the administration has abandoned any effort improve the quality of instruction delivered to Conserve students, which had been a clear priority previously.
9. Conserve School's Dean of Academic Affairs formally communicated to teaching faculty that they should reduce student academic workloads in classes to help them deal with the emotional distress caused by the January 30th announcement.
10. I seldom, if ever, remember my dreams. Since the January 30th announcement, I have found myself dreaming traumatic dreams about protecting students at the school from harm.
11. I've had conversations with students that demonstrate to me to a high degree of certainty that they are also experiencing the events in a similarly dramatic emotional way.
12. Because of the stress that I perceive the students are under given the timing of the announcement, I've eased my grading criteria in my History of Exploration class.
13. I have had to grant extensions on assignments to students who never before asked for extensions. Students have expressed to me that this is due to the high level stress due to the timing of the announcement and its consequences.
14. All teaching faculty who have been dismissed for next year have received five additional personal leave days before the end of the school year to enable us to pursue job search opportunities.

15. Conflicts have arisen regarding resources normally available to support student life activities. For example, a van that is normally used to transport school athletic teams was recently diverted for use to transport faculty to a job fair.
16. Teachers were given a severance agreement with 45 days to review its content, which gives them until mid-march to review and accept. The "anti-disparagement" clause in the agreement has had a chilling effect on staff morale. When upon review, I asked for clarification about the anti-disparagement terms (see letter attached), I was confronted by Headmaster Stefan Anderson and Chief Financial Officer Felix Banton and threatened with the withdrawal of my severance package.
17. In my opinion as an educator, to avoid further irreparable emotional and educational harm, it is essential that the school be returned to its former status quo as quickly as possible.

Mark Nienstaedt

Subscribed and sworn to before me and in my presence this 24th day of February, 2009.

Notary Public

From: "Nienstaedt, Mark"

Date: February 18, 2009 4:56:03 AM GMT-05:00

To: <inquire@conservecommunity.com>

Subject: FW: Conserve Ethics and Disparagement

Greetings Conserve Community,

You may use this letter, the text of which has been sent to Stefan Anderson and Conserve Staff, this morning.

Mark

From: Nienstaedt, Mark
Sent: Wednesday, February 18, 2009 3:52 AM
To: Anderson, Stefan
Cc: @Full.Staff
Subject: Conserve Ethics and Disparagement

Dear Stefan,

At the beginning of the school year, Conserve staff received a letter, dated August 18, 2008, from managing trustee Ron Kazmar in which we were thanked for our loyalty to the school and assured that Conserve Trustees "are committed to the success of the school". We were then invited to join with the Trustees and each other to work "collectively [to make] Mr. Lowenstine's vision not only a reality but one that continuously gets better each year".

I have today, the day of our school wide "Ethics Symposium" exercise, brought myself to read the amended copy of the "Severance Agreement and General Release" that terminates the employment of more than two dozen current employees at Conserve School. When you and Felix Banton handed me my personal copy of the original version of this document, I thanked you for providing me with the opportunity to have worked at a school with a vision as wise and forward looking as Mr. Lowenstine's. I also assured you that I intended to discharge my remaining duties at the school in a professional manner and with grace and class.

Thank you for dropping from the amended version of our Severance Agreement the reference in paragraph 14 to "proprietary educational programs and curricula" that had given some teachers the impression that they might be barred from taking their own professional creative work product with them as they left employment at the school.

I am also asking that you clarify the "nondisparagement" paragraph 16 of the Severance Agreement. I note after consulting common dictionaries that to disparage can mean to dishonor, discredit, speak slightingly of, or "to lower in estimation … by … words". I would like to suggest to you that the Conserve Trustee's decision to retreat from the Lowenstine vision of a four year college Prepatory Boarding High School, similar to the Culver Academy which he attended, to a semester school for Juniors only has itself lowered the estimation of Conserve School in the public eye. I am concerned that to merely describe the decision honestly and accurately will further contribute to the lowering of the high public regard that Conserve School has earned in its seven short years of operation. Many Conserve staff members, whether retained or not, still believe in the original vision of the school with its commitment to Ethics, Innovation, and Environmental stewardship and are deeply disturbed by the recent turn of events at the school. Quite apart from the views of Conserve staff, there is at this moment a considerable public debate regarding the future course of the school. Teachers and other Conserve Staff have, as Mr. Kazmar has suggested, been the leaders of the collective effort to realize the full potential offered by "Mr. Lowenstine's remarkable legacy" and should continue to provide that leadership. In regard to the Severance Agreement, I am asking for your clarifying assurance that accurate descriptions of fact and honest expressions of opinion that can be reasonably believed to contribute to a spirited debate directed toward the realization of Mr. Lowenstine's vision of the school will not be considered in any way disparaging to the school.

Many Conserve staff would like to see the Conserve Trust reverse a decision not made with sufficient deliberation or care and so seemingly inconsistent with their fiduciary duty to the true trust beneficiary--the school, its students, and their families. The current economic difficulties are certain to dissipate with time. This should prove to be one of those occasions when American business decision makers manage to look beyond the pressures of the short run to make sound decisions for the long term. Conserve School, as originally conceived by Mr. Lowenstine, should be part of our future and truly his "remarkable [and enduring] legacy".

As we are still within the 45 day Severance Agreement review period, I am requesting your clarification in this regard without unnecessary delay.

Dedicated to the community that is Conserve,

Mark Nienstaedt

"I had always imagined Paradise as a kind of library."

Jorge Luis Borges, **Argentinian writer**

WHAT I'M READING NOW:

The Quiet Girl. A novel by Peter Hoeg, the Author of *Smilla's Sense of Snow.*