

BEFORE THE IMPARTIAL HEARING OFFICER

In the Matter of the Grievance of

KEELY JOHNSON

Under the Grievance Procedure of

MADISON METROPOLITAN SCHOOL DISTRICT

Case ID: 88.0083

Case Type: IHO

DECISION NO. 41499

Appearances:

Elizabeth Pierson, Attorney, Pines Bach, LLP, 122 W. Washington Ave., Suite 900, Madison, Wisconsin, appearing on behalf of Keely Johnson.

Benjamin Roovers, Attorney, 545 W. Dayton St., Madison, Wisconsin, appearing on behalf of the Madison Metropolitan School District.

DECISION OF THE IMPARTIAL HEARING OFFICER

On January 26, 2026, the Wisconsin Employment Relations Commission received a joint request from Keely Johnson and the Madison Metropolitan School District to appoint Katherine Scott Lisiecki, a member of the Commission's staff, to serve as the Impartial Hearing Officer (IHO) in a proceeding concerning Johnson's suspension. A hearing was held on May 15, 2026, via Zoom. The parties made oral closing arguments at the end of the hearing, and the hearing was transcribed. Having considered the evidence, the arguments of the parties, and the record as a whole, I issue the following decision.

ISSUE

Did the Madison Metropolitan School District have just cause to issue discipline to Keely Johnson in the form of a 2-day suspension? If not, what is the appropriate remedy?

FACTS

Keely Johnson (Johnson) works as a social studies teacher at LaFollette High School, part of the Madison Metropolitan School District (MMSD). *See* Transcript, pg. 74.

Student A, a junior at LaFollette High School, was in one of Johnson's social studies classes. In December 2023, Johnson gave Student A her phone number, and she and Student A began exchanging frequent, personal text messages. *See* MMSD Exhibit 1. Between December 2023 and July 2024, they exchanged hundreds of messages. *Id.*

Many of their text messages were about benign topics, such as playing online games, crafting, gardening, or music. On several occasions, Johnson reacted in a positive, if profane, way to Student A sharing their standardized test scores. *See* MMSD Exhibit 1, pgs. 19, 94.

However, on many occasions, their communications were inappropriate. On one occasion, Student A told Johnson that they planned to call the school and pretend to be their mother to skip class. *See* MMSD Exhibit 1, pg. 35. Johnson did not reply or take action.

On several other occasions, Johnson would discuss other students with Student A. On one occasion, when Student A asked Johnson how substitute teaching was going, Johnson replied: "I hate them. Actually when you swear at them they like you because kids are dumb and they're [sic] freshman [sic]." *See* MMSD Exhibit 1, pg. 58. Johnson also told Student A: "Low key [student name] is failing math so if you ever wanna talk math with him, he needs help." *Id.* On another occasion, she texted Student A: "Fucking [student name]." *Id.* at 65. In a conversation at school, Johnson told Student A that another student came from a dangerous home with a violent, alcoholic parent. *See* MMSD Exhibit 3, pg. 3.

On one occasion, Johnson initiated a lengthy conversation with Student A about a breakup between two other students:

"I've taken [student] out Friday and Saturday and I had her here at my house today. They're a wreck without each other [sic]. She broke up with him.... It won't last though.... He's gotta get help for his mental health.... I'm helping them be better at communicating because they're trash at it. But currently he's at a cabin in bum fuck nowhere.... Family trip planned and I think they may have sedated him to get him into the car. He was hell bent on not going and then all of sudden [sic] he went radio silent.... You'd think they'd both thing [sic] the other died at war. They're so heartbroken and I'm like tryna be neutral but it's like bro, forgive and get back together."

See MMSD Exhibit 1, pgs. 82 – 84.

Johnson would also discuss Student A's romantic life. On one occasion, Student A texted Johnson to tell her that Student A had hung out with a romantic prospect. *See* MMSD Exhibit 1, pg. 28. Johnson replied, "And which girl? Your ex?" *Id.* Student A said no, and Johnson replied, "Ok is she cuuuute?" *Id.* There were several other text discussions about Student A's dating experiences, as well as an in-person discussion about Student A texting a romantic prospect. *Id.* at 74, 112, 117 – 118, 119, 121, 123, 126 – 128; MMSD Exhibit 4, pg. 3. Johnson offered advice on what Student A should wear on a date and told Student A to "GET IT." *Id.*

On one occasion, Johnson gave Student A money for gas. *See* MMSD Exhibit 1, pg. 24. On another occasion, Johnson offered to get Student A coffee. *Id.* at 31.

On another occasion, Johnson texted Student A: “OK, well I’m both smoking and driving right now so you’re going to have to wait until I am safely at home.” Student A replied: “lmaooo what are u smoking.” Johnson replied: “Bruh.” “[skeptical monocle emoji] Nothing illegal!” Student A replied: “Obviously. You don’t break the law.” Johnson: “I am a mentor of the children. I must always be above board.” Student A: “that’s right u r a perfect angel.” Johnson: “YES I AM [halo emoji]” *Id.* at 25.

On another occasion, Student A texted Johnson that they were “having a smoke break with my sisters rn.” *Id.* pgs. 48 - 49. Johnson replied with a clapping hands emoji, a leaf emoji (symbolizing marijuana), and a gust of wind emoji. *Id.* Student A replied: “lol not that kind.” *Id.* Johnson then sent a cigarette emoji, to which Student A replied “Yes [smiley emoji].” *Id.* Johnson replied: “Well good for you, either way, we’re here for a good time, not a long time.” *Id.*

Johnson sent Student A many other messages that were unnecessarily profane. *See* MMSD Exhibit 1, pgs. 4, 11, 20, 45, 78, 95, 96, 99, 105, 109. On many occasions, she also told Student A that she missed them, loved them, or (jokingly) that she hated them. *Id.* at 7, 23, 41, 58, 66, 75, 79, 111. Although not meant literally, these comments typically characterize relationships between friends or peers, not between adult teachers and their students. Likewise, Johnson shared many details about her personal life that would normally characterize a peer-to-peer friendship, not a relationship with a student and teacher, such as how girls used to dress up as “slutty cats” at college Halloween parties, that she was on a pottery date with someone, that she was getting brunch, helping interview a new assistant principal, getting a massage, “at her gay friends [sic] house,” getting a tattoo, that she gets “anxiety poops,” or that she was “asleep due to an emotional meltdown.” *See* MMSD Exhibit 1, pgs. 6, 27, 42, 93, 124, 110, 116, 122, 71.

Johnson and Student A also began planning a non-school-related day trip to visit the University of Wisconsin-Eau Claire in July 2024. *See* MMSD Exhibit 1, pgs. 90 – 91, 101, 128 – 131. After Student A’s mother heard about the planned trip, she messaged Johnson to tell her that Student A would not be going to Eau Claire and that she (Student A’s mother) was concerned about Johnson’s messages with Student A. *Id.* at 134.

On August 28, 2024, MMSD sent Johnson a letter asking her to respond to investigative findings that she had made inappropriate verbal and written comments to students and that she had inappropriate relationships with students. *See* MMSD Exhibit 6. On September 24, 2024, MMSD concluded its Title IX investigation and found that Johnson did not sexually harass Student A. *See* MMSD Exhibit 5. However, the investigator noted that “Respondent has ... difficulty establishing appropriate boundaries with students.” *Id.* at 8.

On October 2, 2025, LaFollette High School principal Mathew Thompson issued Johnson a two-day suspension. *See* MMSD Exhibit 8. The letter stated that Johnson had violated Employee Handbook Sec 3.1, District Expectations; Sec 3.33, Personnel-Student Relations; Sec 3.22,

Information Technology Use; and MMSD Social Media and Digital Communications Guidelines.
Id.

DISCUSSION

The Standard of Review

I begin my discussion by first addressing the standard of review. Part 8.03 (2) of MMSD's Employee Handbook states: "Except as provided in paragraph one above, no teacher shall be disciplined or terminated without just cause." Thus, employee discipline will be reviewed under a just cause standard. Although the Handbook does not define just cause, a finding of just cause generally requires the employer to prove that (1) the employee committed conduct for which discipline is warranted and (2) the discipline issued is consistent with the seriousness of the misconduct.

MMSD bears the burden of proving, by a preponderance of the evidence, that there was just cause for the discipline.

The Merits

The first issue is whether Johnson committed misconduct for which discipline is warranted. In its October 2, 2025, suspension letter, MMSD alleged that Johnson violated Employee Handbook Sec 3.1, District Expectations; Sec 3.33, Personnel-Student Relations; Sec 3.22, Information Technology Use; and MMSD Social Media and Digital Communications Guidelines. *See* MMSD Exhibit 8.

The Employee Handbook states that employees shall "at all times, maintain a professional relationship and exhibit a professional demeanor in their interactions with students. Further, employees shall refrain from engaging in any actions or conduct of a sexual nature (verbal or physical) directed toward a student, including, but not limited to, sexual advances, activities involving sexual innuendo, or requests for sexual favors or sexually explicit language or conversation. Employees shall not form inappropriate social or romantic relationships with students, regardless of whether or not the student is 18 years old. Employees shall not use profane or obscene language or gestures in the workplace." *See* MMSD Exhibit 11. The "Progressive Disciplinary Guidelines Matrix" states that "inappropriate verbal comments to students" can result in expectations memo to termination. *See* Johnson Exhibit D.

Many of Johnson's text messages with Student A are unprofessional and inappropriate. Several incidents stand out: Johnson did not intervene when Student A told Johnson that they planned to skip class. Johnson called other students "dumb" and told Student A that she (Johnson) hated them. Johnson told Student A that a student was failing math, that another student had problems at home, and that other students were going through a breakup. Johnson asked about Student A's romantic life and offered advice. Johnson gave Student A money for gas and offered to get Student A coffee. Johnson planned to travel with Student A to visit Eau Claire without parental permission. Johnson told Student A that she was smoking cigarettes and encouraged

Student A to do the same. Johnson used profanity, shared many details of her personal life, and generally communicated in a way that would normally characterize a peer-to-peer friendship, not a relationship between a teacher and a student. These messages clearly show that Johnson had an “inappropriate social relationship” with Student A in violation of the Employee Handbook.

Johnson testified she wanted to support Student A because Student A was “very isolated.” *See* Transcript, pgs. 82 - 83. There is no reason to doubt Johnson’s good intentions, and her interactions with Student A were positive, supportive, and frequently benign. However, the correct response from a teacher in Johnson’s position would have been to encourage an isolated student to become more involved in extracurricular activities, recommend counseling, or offer the occasional word of encouragement— not to become that student’s friend. The inherent power imbalance between a teacher and a student makes a peer-like friendship inappropriate. No matter how mature the student or immature the teacher, students are still teenagers, and teachers are still adults.

Johnson argues that she wanted to be a positive queer role model for Student A. However, a role model is a person who models professional or personal success, not an adult who seeks out the company and esteem of the teenagers in her care. As Johnson wrote in her letter to the investigation committee: “Too often I took on the emotional needs of my students out of fear that no other safe adult was available to them. This is not my job or my responsibility.” *See* MMSD Exhibit 7.

Johnson argues that she is being singled out because she is queer. However, this discipline is not an attack on her sexual orientation or gender identity. Regardless of a student’s gender identity or sexual orientation, teachers are not qualified to help students develop their personal or romantic lives. This is a boundary that cannot be crossed, no matter how well-intentioned the teacher may be.

Johnson argues that she was subject to disparate treatment because other teachers had inappropriate relationships with students but were not disciplined as harshly. Agnieszka Neumann had phone and FaceTime calls with high school students outside of school hours. *See* Johnson Exhibit A. On one occasion, she used profanity in a conversation with students; on another occasion, she told a student that she had smoked a cigarette. *Id.* She received a written reprimand. *Id.* However, these calls were not as frequent or extensive as Johnson’s communications with Student A, and Neumann had parental permission to communicate with these students. *Id.* There was no evidence that Neumann said anything else inappropriate or encouraged truancy or student cigarette usage during these calls. *Id.*

Sharel Nelson posted a photo on Facebook depicting her with her arms around a shirtless student, without permission from the student’s guardian. *See* Johnson Exhibit B. She received a written reprimand. *Id.* However, unlike Johnson, this was a one-time incident, not a pattern of inappropriate communications over the course of an academic year. *Id.*

Michael Jones gave a student small amounts of money every few weeks, for a total of \$510 over the course of a few years. *See* Johnson Exhibit C. Initially the money was for odd jobs, but

later he would send the student money for food and other small expenses, because the student's mother couldn't afford groceries. *Id.* Jones received a letter of expectations. *Id.* However, unlike Johnson, he did not attempt to cultivate a peer-like friendship with the student via extensive, inappropriate communications. He also did not encourage truancy or cigarette usage or plan a trip with the student without parental permission.

Johnson's pattern of inappropriate behavior towards Student A was more extensive and unprofessional than the behavior of Neumann, Nelson, or Jones. Johnson exchanged hundreds of personal messages with Student A over the course of a year, condoned or encouraged truancy and cigarette use, belittled other students, inappropriately shared other students' personal information, gave Student A gas money and coffee, used profanity, overshared about her personal life, and planned a trip with Student A without parental permission. Because Johnson's misconduct was more inappropriate than that of the other teachers, they are not similarly situated. Therefore, Johnson was not subject to disparate treatment.

For the reasons set forth above, I find that MMSD had just cause to issue Keely Johnson a two-day suspension. Accordingly, I issue the following:

DECISION

MMSD had just cause to suspend Keely Johnson for two days. Therefore, her suspension stands, and the grievance is denied.

Issued at Madison, Wisconsin, this 22nd day of June 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by: Katherine Scott Lisiecki

Katherine Scott Lisiecki, Impartial Hearing Officer