

# Wisconsin Institute for Law & Liberty: WILL to Madison schools: Respect parental rights or face lawsuit

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The News: The Wisconsin Institute for Law & Liberty (WILL), on behalf of a group of Madison parents, issued a [demand letter](#) to the Madison Metropolitan School District (MMSD) urging the district to respect the rights of parents to be involved in significant decisions affecting their children's health and well-being. Specifically, WILL has asked the District to remove policies enabling children, of any age, to change gender identity at school without parental notice or consent, and policies instructing district employees to conceal and even deceive parents about the gender identity their son or daughter has adopted at school. WILL has given MMSD 45 days to update their policy or face a lawsuit.

Background: In April 2018, the Madison Metropolitan School District (MMSD) adopted "[Guidance and Policies to Support Transgender, Non-binary & Gender-Expansive Students.](#)" Importantly, the policy includes the following provisions:

- Children of any age can transition to a different gender identity at school, by changing their name and pronouns, without parental notice or consent.
- District employees are prohibited from notifying parents, without the child's consent, about their child's gender identity at school.
- District employees are even instructed to deceive parents by using the child's legal name and pronouns with family, while using the different name and pronouns adopted by the child in the school setting.

The MMSD policy violates parents' constitutionally protected rights in multiple ways, including:

- Parents have the right to make important medical decisions on their children's

behalf. Transitioning to a different gender identity is a significant [psychotherapeutic](#) intervention that requires parental notice or consent. There are multiple treatment options for gender dysphoria, some of which don't involve transitioning, so parents must be involved in which treatment path to pursue.

- Gender dysphoria is often associated with significant psychological distress and requires support from mental health professionals. MMSD's policy interferes with parents' ability to provide the support their children may urgently need.
- The policies also conflict with the "general rule [in Wisconsin] requiring parents to give consent to medical treatment for their children."
- For some parents, gender identity issues also have religious significance. MMSD's policy interferes with parents' free-exercise rights to raise their children in accordance with their religious beliefs and to select a treatment approach consistent with those beliefs.

WILL represents 15 individual parents from 9 families with students in MMSD who are demanding MMSD update and change their policy to respect constitutionally recognized parental rights. WILL's demand letter gives MMSD 45 days to update their policy or face a lawsuit.

The Quote: WILL President and General Counsel Rick Esenberg said, "In sensitive, personal matters involving children's well-being, a public school district should not, and cannot, make decisions reserved for parents. While MMSD may think it is operating in the best interests of children, they have adopted policies that violate crucial, constitutionally recognized parental rights."

Read More:

- "[Madison School District put on notice to change gender identity policy or face lawsuit.](#)" Wisconsin State Journal, December 18, 2019
- "[Conservative group looks to challenge Madison School District policy on gender identity.](#)" Wisconsin State Journal, September 26, 2019