

WILL, ADF: Sue Kettle Moraine School District for violating parents' rights

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School district refuses to respect parents' decision about transitioning at school

The News: Two sets of Wisconsin parents are [suing](#) the Kettle Moraine School District (KMSD) for a policy that facilitates and “affirms” a minor student’s gender transition at school, even over the parents’ objection. The Kettle Moraine School District’s policy violates parents’ constitutional rights to raise their children by taking a major, controversial, and potentially life-altering decision out of parents’ hands. The lawsuit was filed in Waukesha County Circuit Court by the Wisconsin Institute for Law & Liberty (WILL) and Alliance Defending Freedom (ADF).

WILL and ADF filed a [notice of claim](#) with the Kettle Moraine School District in May 2021, warning their policy may result in a lawsuit.

The Quotes: WILL Deputy Counsel, Luke Berg, said, “Schools cannot override parents when it comes to decisions about their children. Gender identity transitions are no exception. Schools must defer to parents about what is best for their child.”

“Parents’ rights to direct the upbringing, education, and mental health treatment of their children is one of the most basic constitutional rights every parent holds dear. Yet we are seeing more and more school districts across the country not only ignoring parents’ concerns, but actively working against them,” said ADF Senior Counsel Kate Anderson, director of the ADF Center for Parental Rights. “The parents in this case know and love their daughter and are doing their best to get her the expert care she needs in her battle with anxiety and depression. We are asking the court to respect the serious concerns of these parents by ensuring Kettle Moraine School District swiftly changes its policy that is undermining parents and harming children.”

Background: The Wisconsin (and United States) Constitution [recognizes](#) the “inherent right” of parents to “direct the upbringing and education of children under their control.” This means parents are the primary decision-makers with respect to their minor children. But the Kettle Moraine School District adopted a policy that disregards parents’ decision about how their children will be addressed at school.

Two Kettle Moraine School District parents recently encountered this policy and were forced to withdraw their daughter from the district because of it. Their daughter began to question her gender in December 2020, and, for a time, wanted to go by a male name and pronouns while at school. The family sought professional and medical support for her, and after extensive research, decided that immediately transitioning would not be in her best interest.

They communicated this directly to Kettle Moraine School District staff in January 2021, and asked staff to continue referring to their daughter using her legal name and female pronouns. But the Kettle Moraine School District refused to honor their decision. The principal informed them that it was district policy that if their daughter returned to school, school staff would refer to her using whatever name and pronouns she wanted while at school, even over her parents’ objection.

A few weeks after they withdrew her from school, their daughter realized her parents were right and has re-embraced her birth name and her nature as a girl. She is now enrolled in a different school district.

What is at Issue? Many [medical professionals](#) believe that transitioning to a different gender identity at a young age can become self-reinforcing and even do long-term harm, and therefore recommend a cautious approach. This family simply wanted to follow that approach.

The Kettle Moraine School District’s policy disregards these medical professionals and instead takes this life-altering decision out of parents’ hands and places it with educators. By enabling minor students to transition at school over their parents’ objection, the district is effectively making a treatment decision without the legal authority to do so and without informed consent from the parents. This policy violates the constitutionally recognized rights of parents to raise their children.