

WILL, ADF: Warn Kettle Moraine School District gender identity policy violates parental rights

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The News: Attorneys with The Wisconsin Institute for Law & Liberty (WILL) and Alliance Defending Freedom (ADF) issued a [Notice of Claim](#) to the Kettle Moraine School District that a District policy allowing students to change their gender identity at school, without parental consent and even over the objections of parents, violates parents' constitutional rights. WILL and ADF represent a group of District parents, including a couple whose daughter experienced gender dysphoria, forcing them to withdraw her from school when the District told them it would allow her to change gender identity at school against their wishes.

The Quotes: WILL Deputy Counsel, Luke Berg, said, "Changing gender identity is a huge decision, especially at a young age. Parents can and should be involved. And they have a right to expect that school officials will respect their decision about what is best for their child."

ADF Senior Counsel, Roger G. Brooks stated, "Parents know their children best, and parents' rights to make critical care choices for their children do not stop at the school door. School districts may not make serious, life-altering decisions for children without the knowledge and consent of parents."

Background: A fundamental and long-recognized "inherent right" protected by the Wisconsin (and United States) Constitution is the 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—not their school, or even the children themselves.

But the Kettle Moraine School District has adopted a policy that disregards parents' decision about how their children will be addressed at school. This policy violates parents' constitutional rights.

This past school year, a couple's daughter began to experience gender dysphoria

and considered adopting a male identity. The family immediately sought professional and medical support for their daughter, but based on extensive research they also knew that immediately transitioning would not be in her best interest. The parents communicated their desire for the school and staff to refer to their daughter using her legal name and associated pronouns, yet the Kettle Moraine School District refused to honor their request, forcing them to withdraw their daughter from school.

After withdrawing her from school and following through on counseling, 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.

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. 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.

The [Notice of Claim](#) to the Kettle Moraine School District starts a 120-day timeline before a lawsuit can commence.