

# WILL: Earns award from State Policy Network for legal victory that opened Dane County schools

Posted on Tuesday, Sep 7, 2021

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The Wisconsin Institute for Law & Liberty (WILL) was awarded the “Biggest Home State Win” by the [State Policy Network](#) for a legal victory in [WCRIS v. Heinrich](#), a case recently before the Wisconsin Supreme Court that struck down Dane County’s school closure order. WILL filed an original action in August 2020, and the court issued an injunction in September, that allowed private schools with more than 52,000 students and public schools with nearly 80,000 students the option of opening their schools for in-person learning for the 2020-21 school year. The Court issued a final decision in June 2021 that the Dane County health department exceeded its authority when issuing a school closure order.

The State Policy Network is a national association with a goal to catalyze thriving, durable freedom movements in every state, anchored with high-performing independent think tanks.

The Quote: WILL President and General Counsel, Rick Esenberg, said, “It is an honor to be recognized by the State Policy Network and our peer organizations around the country. WILL is doing really significant work to move the law and inform the policy debate.”

Background: On August 21, 2020, Public Health Madison & Dane County (PHMDC) [ordered](#) all schools, public and private, to close for in-person learning for grades 3-12. The order came without warning, disrupting several private schools in Dane County that were preparing to start in-person instruction the following week. At least one Dane County private school had already been open for a week when Order #9 was issued.

WILL filed an [original action](#) to the Wisconsin Supreme Court on behalf of 8 Dane County families, 5 private schools, School Choice Wisconsin Action (SCWA), and the Wisconsin Council of Religious and Independent Schools (WCRIS). WILL argued that

Wisconsin law does not give county health departments the authority to order the closure of all schools for in-person instruction. Additionally, WILL argued the order unconstitutionally infringes upon the constitutional right of parents to direct the education and upbringing of their children, as well as rights to religious liberty. The Wisconsin Supreme Court issued a [temporary injunction](#) on September 10, 2020 allowing Dane County schools to reopen while the case was under consideration. And in June 2021, the Wisconsin Supreme Court issued a [4-3 decision](#) making clear that the Dane County health department lacked the authority to issue an order closing all schools. The decision means no county health department can close all schools.