

ACLU: Case challenging MMSD's policy against forced outing dismissed in victory for trans students

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MADISON – In June, the Wisconsin Institute for Law and Liberty (WILL) and the Alliance Defending Freedom (ADF) withdrew their appeal of the Dane County Circuit Court's dismissal of a lawsuit challenging Madison Metropolitan School District policy against forced outing of transgender and nonbinary students.

The national American Civil Liberties Union (ACLU) and the ACLU of Wisconsin, with pro bono assistance from Quarles & Brady, defended the school policy on behalf of three Gender and Sexuality Alliances (GSAs) in the Madison Metropolitan School District. The policy, which prevents school officials from disclosing a student's use at school of pronouns or names inconsistent with the sex they were assigned at birth without the student's consent, was challenged by anonymous parents, none of whom asserted that they had trans or nonbinary children.

The decision to drop the case comes after the Wisconsin Supreme Court recently declined to take up the appeal, denying WILL's and ADF's request to bypass the Court of Appeals and rule on the case directly. Since the sole remaining plaintiff no longer wishes to appeal, the circuit court's decision to throw out the suit is final.

Jon W. Davidson, senior staff attorney at the national ACLU, stated the following:

“The dismissal of this appeal brings a welcome conclusion to a protracted and arduous legal battle over the ability of Madison Metropolitan School District students to freely and safely explore their identities on their terms, and we are glad

that trans and nonbinary students will continue to have the ability to express themselves at school, without fear of being involuntarily outed by staff. We know that trans and nonbinary students are safer when they are able to choose when, how, and who to come out to, and we know that students feel happier and are better able to learn at school when they are affirmed in their gender identity.

“We recognize that, in many ways, it is a terrifying time to be a trans or nonbinary young person. The cruel culture war being waged against LGBTQ+ youth is endangering lives, and school boards and politicians across the state are making schools – places where everyone has a right to feel welcome – openly hostile and increasingly unsafe for LGBTQ+ students. Now more than ever, we all – including educators, faculty, administrators, and other school officials – must show up for and defend LGBTQ+ youth. Transgender and nonbinary youth belong everywhere, and we won’t stop fighting until that’s a reality.”