

# **WILL: Wisconsin school district refuses to release evidence of race discrimination**

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**For nearly a year, WILL has sought public records detailing the Madison Metropolitan School District's use of "small instructional groups" that illegally discriminate against students based on race**

**The News:** Today, the Wisconsin Institute for Law & Liberty filed a lawsuit against the Madison Metropolitan School District (MMSD) for violating public records law. Nearly a year ago, on January 31, 2022, WILL requested records from MMSD regarding its use of "small instructional groups" for "reading, foundational skills, and math." A whistleblower had provided WILL with a partial copy of an official policy stating that MMSD teachers must "prioritize your African American students meeting with you first and more often." After receiving a partial record, WILL asked for the complete policy and other related public records. As of the date of this lawsuit, MMSD still refuses to provide public records related to this racially discriminatory policy. Wisconsin open records laws exist for the purpose of providing transparency and accountability for state and local taxpayer-funded, government institutions throughout the state.

This lawsuit is a joint effort between WILL's Equality Under the Law Project ([DefendEquality.org](http://DefendEquality.org)) and the Wisconsin Transparency Project ([wiopenrecords.com](http://wiopenrecords.com)).

**The WILL Quote:** "Race discrimination has no place in public education. It is illegal and immoral. Parents and community members have a right to know how and why Madison has been discriminating against students based on race," says WILL Associate Counsel Cory Brewer.

**Quote from the Wisconsin Transparency Project:** "MMSD might be the state's worst offender when it comes to extreme delays in responding to record

requests. Several requests to the district have remained unfulfilled for more than a year, and they have a long history of problems,” says Tom Kamenick, president and founder of the Wisconsin Transparency Project.

**Background:** WILL Deputy Counsel Dan Lennington submitted the original records request in January 2022, and then followed up on March 8, August 4, September 19, September 28, November 18 and December 6 with no response other than a single comment from MMSD that “we will review this request as soon as practical.”

WILL Intern Dylan Palmer also requested records from MMSD on June 1, 2022 asking for a “complete list of school board adopted textbooks on file with the clerk.” The district responded June 2 saying that the COVID-19 pandemic has caused “staff constraints” that had caused them to “experience a delay in responding to requests.”

As of the date of WILL’s petition, the district has not fulfilled the records requests from January or June of 2022.

Other institutions and individuals have also faced significant resistance by MMSD in obtaining public records, including NBC 15.

**Read More:**[Petition for Writ of Mandamus](#), January 17, 2023

[Application for Alternative Writ](#), January 17, 2023

[Affidavit from Lennington](#), January 12, 2023

[Affidavit from Koenen](#), January 17, 2023

[Video](#), January 17, 2023

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