

WILL: Moves for summary judgment in parents' rights case with support of expert witnesses Dr. Erica Anderson and Dr. Stephen Levine

Posted on Monday, Feb 6, 2023

>> **WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

The News: The Wisconsin Institute for Law & Liberty (WILL) and Alliance Defending Freedom (ADF) have brought on two expert witnesses in support of summary judgment in a parents' rights suit against a Kettle Moraine School District (KMSD) Policy that "affirms" a minor student's gender transition at school, even over the parents' objection.

The Experts: Dr. Erica E. Anderson is a transgender clinical psychologist currently practicing in Berkeley, California, with over 40 years of experience, and has seen hundreds of children and adolescents for gender-identity-related issues. Dr. Anderson served as a board member for the World Professional Association for Transgender Health (WPATH) and as the President of USPATH (the United States arm of WPATH).

Dr. Stephen Levine is a clinical psychiatrist and professor at Case Western Reserve University School of Medicine with decades of experience with gender dysphoria. Dr. Levine was the chairman of the committee that developed the 5th version of the WPATH guidelines and was the court-appointed expert in the first major case in the country to reach a federal court of appeals about surgery for transgender prisoners.

The Quotes: WILL Deputy Counsel, Luke Berg, stated, "The Kettle Moraine School District's policy defies common sense, medical expertise, and plainly violates the constitutionally recognized rights of parents to raise their children. Schools do not

have this legal authority, and WILL is supporting parents who are rightfully fighting back.”

Dr. Anderson’s affidavit summarizes, “A school policy that involves school adult personnel in socially transitioning a child or adolescent without the consent of parents or over their objection violates widely accepted mental health principles and practice.”

“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,” said ADF Senior Counsel Kate Anderson, director of the ADF Center for Parental Rights. “Yet we are seeing more and more school districts across the country not only ignoring parents’ concerns, but actively working against them. 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.”

The Background: In a lawsuit filed last summer, WILL and ADF contended that the Kettle Moraine School District’s policy violates parents’ constitutional rights. This policy allows school staff to take a major, controversial, and potentially life-altering decision out of parents’ hands. The lawsuit was filed in Waukesha County Circuit Court.

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 that parents are the primary decision-makers with respect to their minor children. But KMSD adopted a policy that disregards parents’ decisions about how their children will be addressed at school.

Two Kettle Moraine School District parents 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 their decision to District staff, but the District refused to respect their decision, forcing them to withdraw her. Just a few weeks later, their daughter realized her parents were right, and expressed that the “affirmation” that she was a boy “really messed her up.”

The Court denied the District's motion to dismiss last summer, recognizing that the parents have standing and raise a potentially valid constitutional claim. The parties are currently briefing summary judgment, with a hearing scheduled for April 19th. They hope for a ruling in the late spring or summer.