

Wisconsin Transparency Project: Wisconsin Institute for Law & Liberty sues Madison School District for records

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Wisconsin Institute for Law & Liberty, represented by the Wisconsin Transparency Project, has filed a lawsuit in Dane County Circuit Court seeking to compel the Madison Metropolitan School District (“MMSD”) to release records in response to requests made in January and June of last year. [WILL](#) is a law and policy center that advances the public interest in the rule of law, individual liberty, constitutional government, and a robust civil society through litigation, education, and participation in public discourse.

In January, 2022, after a whistleblower provided WILL with a portion of an MMSD policy requiring staff to give students preferential treatment based on race, WILL filed a record request with MMSD for that policy and other related records. In June, WILL filed another request for a single document – the list of school board adopted textbooks required by law to be filed with the district’s clerk. Despite numerous follow-up messages and requests for updates, MMSD has not provided the requested records or even an estimate when they would be ready.

[State law](#) requires records to be produced “as soon as practicable and without delay,” which the state’s [Attorney General recommends](#) should be less than 10 business days for most requests. MMSD has been [previously sued for record delays](#) and been the [subject of media attention](#) for that problem. The lawsuit seeks punitive damages to hold the district accountable for its blatant disregard of the law and send the message that custodians need to make responding promptly to requests a high priority.

While the lawsuit is about records, the underlying issue is even more troubling. “Race discrimination has no place in public education,” explained Cory Brewer, Associate Counsel at WILL. “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.”

Tom Kamenick, President and Founder of the Wisconsin Transparency Project, added, “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.”

For a copy of the complaint, contact Attorney Kamenick