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November 3, 2021

Via e-mail to bormseth@kUSD.edu

Dr. Bethany Ormseth
Superintendent
Kenosha Unified School District
3600 52nd Street
Kenosha, WI 53144

RE: Parental Right To Classroom Observation

Dear Dr. Ormseth:

I am an attorney with the Wisconsin Institute for Law & Liberty (WILL), which is a non-profit law and policy center dedicated to enforcing the rule of law and protecting constitutional rights. I have been retained by the parent of a Kenosha Unified School District (KUSD) student to address KUSD's compliance with federal law and school-board policy regarding the parental right to classroom observation.

My client is the mother of a student at the Kenosha School of Technology Enhanced Curriculum (KTEC). Since the beginning of the year, she has become increasingly concerned about her son's academic performance and falling grades. He reports classroom disruptions, including increasing use of profane language, racial epithets, physical altercations, and property damage. He is also struggling with a new math curriculum that involves no homework or textbook. My client's son specifically reports that he is struggling because of what is happening in the classroom. My client wants to help her son and believes the only way she can understand his daily challenges is to observe his classroom experience in person.

On September 22, 2021, my client started a lengthy process of requesting permission to observe her son's classroom in person. She has sought permission from multiple officials at KTEC and the KUSD district office. Each time, KTEC and KUSD officials have denied my client's requests and offered multiple and sometimes inconsistent reasons for their denials. For example, KUSD Chief of School Leadership Bill Haithcock stated that parental in-person observation would serve "no educational program," despite KTEC's charter contract, which explicitly states that "parents are important partners in the educational program at KTEC." Later in an email, Mr. Haithcock wrote that it was not the "best idea right now" to "expos[e] the class to an outside visitor," even though KUSD policies and Facebook pages indicate that KUSD tolerates many categories of outside visitors, such as non-profit organizations, mentors, and chaperones. And more recently, you told my client in a

phone call that “if I let one parent visit, then there would be many that would want to visit.” You also said that my client (as a parent) was “not connected to the educational curriculum.”

KUSD’s blanket policy of preventing parental access to classrooms is illegal. In 2015, President Obama signed the “Every Student Succeeds Act.” This law requires public schools to implement policies and procedures to ensure “the involvement of parents” in the educational setting. Under this law, KUSD must implement a policy allowing the “observation of classroom activities.” Additionally, parents have the right to annual parent-teacher conferences, frequent reports on their child’s progress, regular two-way communication between school staff and parents, and “opportunities to volunteer and participate in their child’s class.” *See* 20 U.S.C. § 6318. Other federal laws similarly guarantee transparency and pupil rights, including for example the right to access educational curriculum. *See* 20 U.S.C. § 1232h(c)(1)(C).

To implement this federal law, KUSD adopted several policies. For example, Policy 1120 states that “parent/guardian engagement is key to academic achievement.” According to this policy, schools must be “open and inviting” to parents, allowing parents opportunities to “participate in classroom activities.” Policy 1600 states that “parents/guardians/caregivers of District students and the public shall be encouraged to visit schools” and specifically allows for “classroom visits.”

As recognized by these laws and policies, transparency and parental involvement are critical components of public education. We hope KUSD will affirm its commitment to these principles as laid out in federal law and school board policies by allowing parents the opportunity for in-person classroom observation.

Please let me know as soon as possible if you will allow my client and other parents of KUSD students to observe classrooms as permitted by federal law and school board policy. If you persist in your position by refusing my client access, I will take appropriate action to enforce her rights as provided by federal and state law.

Sincerely,

WISCONSIN INSTITUTE FOR LAW & LIBERTY

A handwritten signature in black ink, appearing to read "Dan Lennington", written in a cursive style.

Daniel P. Lennington
Deputy Counsel
Dan@will-law.org