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Testimony in Favor of Assembly Bill 103
Assembly Committee on Education
March 6, 2026

Chairman Kitchens and Members of the Assembly Committee on Education: Thank you for the opportunity to testify today in favor of Assembly Bill 103. My name is Luke Berg, and I am an attorney with the Wisconsin Institute for Law & Liberty. I have been our lead attorney on our parental rights litigation.

As you're probably aware, multiple school districts in Wisconsin have policies to allow and facilitate children changing gender identity at school without notifying the parents or obtaining their consent. Some districts will even hide a transition at school from the parents. Imagine discovering that, for months, school staff have been treating your daughter as if she is your son, or vice versa, without you knowing about it. I've received that call from far too many Wisconsin parents in the last few years.

These policies violate parents' constitutional right to raise their own children, and we have brought lawsuits against three Wisconsin school districts on that basis. We won our lawsuit against the Kettle Moraine School District, but other districts continue to have these poorly thought-out policies. The Legislature has a chance to correct this issue statewide, to protect parents and their children, and it should do so, as other states have done.

The premise of these policies is that the only appropriate response when a child questions their identity is to immediately and without question "affirm" that the child really is the opposite sex. Think about how bizarre that is for a moment. We don't treat any other issue that way. No good parent gives their child anything and everything they want, no questions asked. Nor do we make medical decisions based solely on a child's self-diagnosis. Part of our job as parents, sometimes, is to protect our children from themselves.

Moreover, a robust body of research has shown that most children who struggle with this eventually "desist"—they return to comfort with their biological sex. But desistance drops dramatically for kids who transition. Because of this, many experts believe that treating children as if they are the opposite sex can do long-term harm by reinforcing a false belief. For that reason, many countries in Europe now recommend a slower, more cautious approach, where the first step is psychotherapy to help children process what they are feeling and why. These school district policies effectively take that option away from parents.

Whatever you think about this issue, it's beyond dispute that transitioning is not right for *everyone*, and for some, it does harm. More and more young people—especially girls—are telling us that this was their experience. You're going to hear from one in a moment. If you listen to their stories, they often say that they wish someone had the courage to tell them the truth about who they really are—not just what they wanted to hear at the time.

The bill allows parents to decide what's best for their own children. That's consistent with what parents expect when they send their children to school. Anything out of the ordinary requires parental consent: field trips, sports, taking an aspirin at school. These are far less significant than changing gender identity. As Judge Maxwell put it in our case: "The School District could not administer medicine to a student without parental consent. The School District could not require or allow a student to participate in a sport without parental consent. Likewise, the School District cannot change the pronoun of a student without parental consent."

I would hope this would be a bipartisan issue. We can disagree about when and whether a transition is the right answer for children struggling with their gender. But we should all be able to agree that parents, who know and love their children more than anyone else, should be the ones to decide what is best for their children. Not school staff who barely know them. I would urge your support for the bill.

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