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WILL
WISCONSIN INSTITUTE
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PARENTAL TOOLKIT

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Restoring American Education
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Parental Toolkit
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ABOUT WILL

The Wisconsin Institute for Law & Liberty (WILL) is a nonprofit law and policy center based in Milwaukee, Wisconsin. WILL works for an America in which communities, businesses, and everyday people are flourishing due to personal and economic freedom and more widespread opportunity. WILL strives to help civil society flourish by restoring separation of powers between states and the federal government, fights for individuals' First Amendment rights so that their freedom of speech and exercise of religion are protected, and advocates for equality for all citizens.

Have questions or suggestions? Contact us at:
info@will-law.org

MISSION STATEMENT

Through litigation, education, and participation in public discourse, WILL advances the public interest in the rule of law, individual liberty, constitutional government, and a robust civil society.

WHY WAS RESTORING AMERICAN EDUCATION CREATED?

Communities across the nation are concerned that public schools are drifting away from their founding ideals. During the pandemic, parents were provided a peek into the classroom and had questions and concerns about what their children were learning. The result has been a wave of parental engagement and activism aimed at holding schools and school boards accountable for curriculum and academic proficiency.

Restoring American Education is an initiative of the Wisconsin Institute for Law & Liberty (WILL) to close a critical gap by engaging parents, school board members, and teachers with an understanding of these concerns, trends, and of the alternative resources available.

HOW CAN PARENTS USE THIS TOOLKIT?

The Restoring American Education Parental Toolkit is designed to give parents confidence and clarity as they navigate their child's education. Parents can use this resource proactively to understand what to watch for in curriculum, policies, and communications from schools before issues arise. Most of the resources are based on federal law and can be used by parents in any state, while Wisconsin-specific resources are clearly identified.

The toolkit is also a practical guide when challenges emerge. Too often, school officials may use complex terms or policies in ways that can feel intimidating to parents. These resources are meant to level the playing field—equipping parents with clear explanations, questions to ask, and ready-to-use templates to help them engage with their child's school. Above all, the toolkit exists to educate and empower parents, helping them protect their rights and stay actively involved in their child's education.

PARENTAL
TOOLKIT

LEGAL EXPLAINERS 1

Overview of Parental Rights Legal Landscape 2

Understanding First Amendment Rights for Parents 5

Students’ Religious Freedom Rights in Public Schools 8

Mahmoud v. Taylor: What Does It Mean for Parents of Public School Children? . . . 11

Understanding Title IX 15

Understanding Title VI 18

Understanding the Family Educational Rights and Privacy Act (FERPA) 22

Surveys and Schools: Understanding Parental Rights and the PPRA 27

Understanding the IDEA and Requesting a Special Education Evaluation 30

Filing a Federal Discrimination Complaint with the Office for Civil Rights (OCR) . . . 33

Filing a Student Nondiscrimination Complaint (Wisconsin) 36

Parent Guide to Open Records Requests to Schools (Wisconsin) 40

Student Immunization Law (Wisconsin) 44

QUESTIONS TO ASK YOUR CHILD’S SCHOOL 48

Understanding the Science of Reading: What Parents Should Know 49

Understanding Math Instruction: What Parents Should Know 52

Cell Phones in Schools: What Parents Should Know 55

Social Emotional Learning: What Parents Should Know (Wisconsin) 58

TEMPLATES & FORMS 62

Parent Religious Opt-Out Request Form 63

Opt Out Form for Human Growth and Development Curriculum (Wisconsin) 66

Sample Public Records Request to a Wisconsin School District 67

BOOK LIST FOR PARENTS 68

7 Books to Help Parents Understand Education 69


PARENTAL
TOOLKIT

LEGAL EXPLAINERS

LEGAL EXPLAINER #1

OVERVIEW OF PARENTAL RIGHTS LEGAL LANDSCAPE

This document should not be construed as legal advice. It is provided by the Wisconsin Institute for Law & Liberty (WILL), a 501(c)(3) nonprofit organization, as a public resource for informational purposes.

For over a century, the U.S. Supreme Court has made clear that parents, not government schools, have the fundamental right to direct the upbringing, education, and care of their children. This principle is not just aspirational. It is binding constitutional law.

Yet today, school districts across the country are adopting policies that keep parents in the dark about some of the most consequential decisions involving their children, including gender identity transitions at school. These policies often contradict clearly established constitutional rights and even violate federal laws like FERPA and the PPRA.

I. Key U.S. Supreme Court Decisions Affirming Parental Rights

Meyer v. Nebraska (1923)

Recognized the right of parents to “establish a home and bring up children” and “to control the education of their own.”

Pierce v. Society of Sisters (1925)

Declared that “[t]he child is not the mere creature of the state” and affirmed parents’ constitutional right to direct the upbringing and education of their children.

Prince v. Massachusetts (1944)

Held that “custody, care and nurture of the child reside first in the parents,” not the government.

Wisconsin v. Yoder (1972)

The Court held that the state's interest in compulsory education must yield to a parent's right to raise their child in accordance with religious beliefs.

Parham v. J.R. (1979)

Recognized that parents are presumed to act in their children's best interests when making medical and psychological decisions.

Troxel v. Granville (2000)

Reaffirmed the "fundamental right of parents to make decisions concerning the care, custody, and control of their children."

Mahanoy Area Sch. Dist. v. B.L. (2021)

Reinforced limits on school authority over student expression, especially outside school-sponsored activities.

Mahmoud v. Taylor (2025)

Reaffirmed that parents have a constitutional right to direct the religious upbringing of their children and held that this includes the right to opt them out of school activities that conflict with their religious beliefs

II. Federal Law Supports Parental Oversight

While school districts increasingly claim that federal law limits what parents can know, the opposite is true: federal laws like FERPA and PPRA exist to empower parents, not override them.

FERPA – Family Educational Rights and Privacy Act (1974)

FERPA grants parents full access to and control over their child's education records until the student turns 18.*

Under these rules, only parents (or students over 18) can request a change to education records, such as a change to name or gender. That's why many districts require parental consent to change a student's name in official records.

But increasingly, districts are attempting to circumvent FERPA by making informal changes, like updating student ID cards or internal forms, outside of official records, deliberately shielding them from parents.

* 20 U.S.C. § 1232g.

Some districts invoke FERPA to justify these policies, arguing that students have a “privacy right” from their parents. That’s a misrepresentation of the law. As the Fifth Circuit explained:

“There is no clearly established law holding that a student in a public secondary school has a privacy right...that precludes school officials from discussing *with a parent* the student’s private matters.” *Wyatt v. Fletcher*, 718 F.3d 496, 499 (5th Cir. 2013) (Emphasis in original.)

FERPA does not grant minors such rights against their parents. On the contrary, it reaffirms that parents are in charge.

As the judge noted in the decision in *T.F. v. Kettle Moraine School District* (2023) regarding social gender transitions without parental consent, “This is undisputedly a medical and healthcare issue – the Defendants put forth no evidence to the contrary. As such, the School District went against the parents’ wishes on how to medically treat their child. This directly implicates an infringement against the parental autonomy right to direct the care for their child.”

See [WILL resource on “What Parents Should Know about FERPA” for more information.](#)

PPRA – Protection of Pupil Rights Amendment (1978)

The PPRA reinforces parental control by requiring written parental consent before schools can ask students, verbally or in a written survey, about certain categories, including, but not limited to, political beliefs, mental or psychological problems, sex behavior, and religious practices.*

Just like FERPA, these rights belong to parents until the student turns 18. But schools routinely collect sensitive information, including questions related to sexual behavior, mental or psychological problems, religious beliefs, and political affiliations, without adequate parental notice or consent.

See [WILL resource on “What Parents Should Know about School Surveys” for more information.](#)

III. Where Do We Go from Here?

Parents should not have to fight to be informed about what is happening with their own child in a public school. But across the country, school policies are creating a false choice between student autonomy and parental authority.

This is not only immoral, but it violates parents’ long-established constitutional rights to direct the upbringing of their children. The Constitution, FERPA, and PPRA all put parents in the driver’s seat.

WILL is a legal resource for parents, students, and school districts. If you believe your rights have been violated, you can contact us at www.will-law.org/contact-a-lawyer. Depending on your situation, we may be able to help further.

* 20 U.S.C. § 1232h.

LEGAL EXPLAINER #2

UNDERSTANDING FIRST AMENDMENT RIGHTS FOR PARENTS

This document should not be construed as legal advice. It is provided by the Wisconsin Institute for Law & Liberty (WILL), a 501(c)(3) nonprofit organization, as a public resource for informational purposes.

Overview

The First Amendment guarantees the right to free speech, among other rights.* In the context of public schools, the First Amendment protects not only students but also parents in advocating for their children's education. This right is further supported by the Supreme Court's recognition in *Pierce v. Society of the Sisters of the Holy Name of Jesus and Mary* that parents have the constitutional right to direct the upbringing and education of their children. 268 U.S. 510, 534–35 (1925).† Together, the First Amendment and *Pierce* create a powerful framework for parents to advocate for their children's best interests in the educational system when both speaking at school board meetings and otherwise raising concerns about curricula and other school-related matters.

Parent Rights When Speaking at School Board Meetings

Government meetings (including school board meetings) are generally subject to state law transparency requirements that require meetings to be open and accessible to the public. While the specifics vary by state, many states have laws similar to Wisconsin's Open Meetings Law, which mandates that government meetings be "publicly held in places reasonably accessible to members of the public." Wis. Stat. § 19.81(2). These laws typically apply to both in-person and virtual meetings. However, most states (including

* "Congress shall make no law . . . abridging the freedom of speech." U.S. Const. amend. I.

† (unanimously holding that a law requiring children to attend public school violated the "fundamental liberty" of parents to "direct the upbringing and education of [their] children").

Wisconsin) allow closed sessions for certain topics, including hiring and disciplinary matters or litigation, as specified by statute (e.g., Wis. Stat. § 19.85(1)).

Additionally, school board meetings, like other government meetings, are designated public forums because they are places that “the government opens up for use by the public for expressive activity.” See *Surita v. Hyde*, 665 F.3d 860, 869 (7th Cir. 2011); see also *White v. City of Norwalk*, 900 F.2d 1421, 1425 (“City Council meetings like Norwalk’s, where the public is afforded the opportunity to address the Council, are the focus of highly important individual and governmental interests... [S]uch meetings, once opened, have been regarded as public forums, albeit limited ones.”).

Because school board meetings are limited purpose public forums, free speech rights when speaking at them are robust. School boards do not have to allow public comment at their meetings, but if they do, they cannot discriminate based on viewpoint.* For example, school boards may not engage in the following speech restrictions:

- **School boards cannot restrict speech solely because it is offensive.** Viewpoint discrimination is always unconstitutional† and “[g]iving offense is a viewpoint,” *Matal v. Tam*, 582 U.S. 218, 239 (2017). That does not mean, for example, that school boards must allow comments that are obscene, but they cannot prohibit parents from speaking on one side of an issue (because the board deems that side to be “offensive”) and permit parents to speak on the other side of the same issue.
- **School boards cannot prohibit parents from criticizing school officials.** Doing so would also be impermissible viewpoint-discrimination and unconstitutional; just because the official or the board may find it offensive does not mean they can prohibit it. If parents are permitted to praise school officials, they must also be allowed to criticize them.
- **School boards should consider abandoning policies that restrict speech solely because it is off the agenda.** While banning public comments not related to specific agenda items may be permissible, it could prevent parents from discussing other issues relevant to the school district. Depending on the facts of the particular situation, it could potentially also constitute a content-based restriction, and “the government may not discriminate against speech based on the ideas or opinions it conveys.” *Iancu v. Brunetti*, 139 S. Ct. 2294, 2299 (2019) (citing *Rosenberger*, 515 U.S. 819 (1995)). School boards must be very careful as to how they interpret and enforce such restrictions.

Accordingly, parents have strong free speech rights when speaking at school board meetings, and attempts at restricting those rights may violate the First Amendment.

* Even though a school board has some leeway to regulate speech during a public forum (for instance, speech that is wholly irrelevant to district matters), it may not engage in viewpoint discrimination. *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995).

† See *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (“[v]iewpoint discrimination is [] an egregious form of content discrimination”); *Matal v. Tam*, 582 U.S. 218, 243 (2017) (holding that even in cases “allow[ing]” “some content—and speaker—based restrictions . . . ‘viewpoint discrimination’ is forbidden”); *Minn. Voters All. v. Mansky*, 585 U.S. 1, 11–12 (holding that regulations on speech cannot “suppress expression merely because public officials oppose the speakers view”); *Members of the City Council of the City of L.A. v. Taxpayers for Vincent*, 466 U.S. 789, 804 (1984) (“[T]he First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others.”).

Parent Rights When Raising Concerns About Curricula and Other School-related Matters

Under the First Amendment, parents are free to raise concerns about curricula and any other school-related matters. Regardless of how parents choose to raise their concerns, they are still protected by the First Amendment. This can include spreading the word online or discussing the issues with other parents. It can also include demanding to inspect curricula or other documents through their rights under the PPRA or a public records request. Additionally, as discussed above, parents are free to raise concerns about curricula or any other school-related matters to their children's teachers, to school administrators, and at school board meetings.

For more information about open records requests and public meetings, see [WILL's Citizen's Guide to Open Government](#).

What if my First Amendment rights are violated?

If you feel that your First Amendment rights have been violated, you can initiate a lawsuit. Under 42 U.S.C. § 1983, you can sue any state or local officials, including the local school board, for violating your constitutional rights, if the official or board was acting in its official capacity or "under color of state law."

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This document is part of the WILL Parental Rights Toolkit. Explore the full toolkit at: www.will-law.org/parenttoolkit



LEGAL EXPLAINER #3

STUDENTS' RELIGIOUS FREEDOM RIGHTS IN PUBLIC SCHOOLS

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Students don't lose their constitutional rights when they go to school. That includes the right to practice their religion. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969). The government's interest in education cannot override a student's religious freedom. See *Wisconsin v. Yoder*, 406 U.S. 205, 214-15 (1972).

Students have the right to:

- Talk about their faith
- Wear religious clothing
- Share religious materials
- Ask for religious accommodations
- Opt out of lessons that conflict with their faith
- Start and lead religious clubs or organizations
- Pray alone or with fellow students during the school day
- Express their beliefs about religion in their school work

What the Constitution Says

The First Amendment has two religion clauses:

- The Establishment Clause: Government cannot establish a religion.
- The Free Exercise Clause: Government cannot stop people from practicing their religion. U.S. Const. amend. I.

What is *not* in the Constitution is the phrase “separation of church and state.”* The phrase originates from an 1802 letter Thomas Jefferson wrote to the Danbury Baptist Association, in which he sought to assure them that the newly formed federal government would not interfere with their religious liberty. The metaphor of a “wall of separation” was a reassurance of non-interference—not a command for government to wholly avoid religion altogether.

What Students Are Allowed To Do at School

The First Amendment protects students’ right to express and practice their faith in public schools. Students may engage in religious activity at school on the same terms as any other non-religious activity. These rights are protected as long as the conduct is voluntary and does not materially and substantially disrupt the operation of the school day. Schools may not single out religious expression for different or less favorable treatment.

Students may pray and talk about their religion in school. They can do so on the same terms and conditions that they may engage in other conversations or activities unrelated to school curriculum. See *Tinker*, 393 U.S. 503.

Students are free to bring religious texts to school and read them during non-instructional time. See *Board of Educ., of Westside Cmty. Schs. v. Mergens*, 496 U.S. 226 (1990).

Students may express religious views in class discussions and assignments, so long as the expression is relevant to the topic and meets academic standards. See *Tinker*, 393 U.S. 503; *Mergens*, 496 U.S. 226.

Students may form religious clubs and organizations, subject to the same guidelines as non-religious, non-curricular clubs. Religious clubs should be student-initiated and student-led. *Mergens*, 496 U.S. 226.

Students may be excused for religious holidays or ask for alternative assignments. Schools must generally say yes, especially if they allow for secular excuses. See *Fulton v. City of Philadelphia*, 593 U.S. 522 (2021) (“Where such a system of individual exemptions exists, the government may not refuse to extend that system to cases of religious hardship without a compelling reason.”).

Additionally, in conjunction with parental rights, **students may opt out of instruction that conflicts with their religious beliefs.** *Mahmoud v. Taylor*, 606 U.S. ____ (2025).

* There is widespread misunderstanding in American culture about the separation of church and state. This phrase does not actually appear in the Constitution, nor does current law require such a rigid separation. The U.S. Supreme Court has rejected such a narrow approach. See *Lynch v. Donnelly*, 465 U.S. 668, 673 (1984) (“the Constitution [does not] require complete separation of church and state”).

What Public Schools Are Not Allowed to Do

Public schools are considered state actors for purposes of the First Amendment. This means they may not infringe on students' Free Exercise rights. *Mergens*, 496 U.S. 226; *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507 (2022) (holding that the prayers of a football coach on the field after games was private speech and that the school was not justified in restricting it). In addition, public schools are bound by the Establishment Clause, which prohibits denominational favoritism and requires neutrality. *Catholic Charities Bureau, Inc. v. Wisconsin Labor & Indus. Rev. Comm'n*, 605 U.S. 238 (2025). The U.S. Supreme Court has ruled more specifically in several key contexts:

Schools cannot censor or discriminate against religion. Schools must treat student religious expression the same as non-religious speech. *Mergens*, 496 U.S. 226; *Kennedy*, 597 U.S. 507. Schools cannot show favoritism or hostility toward religion. *Catholic Charities Bureau*, 605 U.S. 238 (2025); *Larson v. Valente*, 456 U.S. 228 (1982); *Masterpiece Cakeshop v. Colo. C.R. Div.*, 584 U.S. 617 (2018).

School-sponsored or school-organized prayer is unconstitutional, even if led by a student. See *Lee v. Weisman*, 505 U.S. 577 (1992); *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000). However, this does not prevent students or teachers, acting in their capacity as private citizens, from praying voluntarily. See *Kennedy*, 597 U.S. 507.

Schools may teach about religion when it's part of history, literature, or culture—like explaining "In God We Trust" or singing religious songs at a Christmas concert. See *Am. Legion v. Am. Humanist Ass'n*, 588 U.S. 29 (2019); *Kennedy*, 597 U.S. 507; *Carson v. Makin*, 596 U.S. 767 (2022) ("A State need not subsidize private education... [b]ut once a State decides to do so, it cannot disqualify some private schools solely because they are religious.") (citing *Espinoza v. Mont. Dept. of Revenue*, 591 U.S. 464 (2020)).

Schools cannot block students from sharing religious materials. Students may pass out religious flyers if others are allowed to hand out secular ones—such as birthday invitations. See *Tinker*, 393 U.S. 503; *Rosenberger v. Rector and Visitors of the Univ. of Va.*, 515 U.S. 819 (1995); *Reed v. Town of Gilbert*, 576 U.S. 155 (2015).

Schools cannot deny religious accommodations when others get secular ones. If schools allow absences for sports or health appointments, they must do the same for religious observance. *Tandon v. Newsom*, 593 U.S. 61 (2021); *Fulton*, 593 U.S. 522; *Ramirez*, 595 U.S. 411; *Mahmoud*, 606 U.S. ____ (2025).

School districts must certify in writing to the state educational agency that no policy of the district "prevents, or otherwise denies participation in, constitutionally protected prayer in public ... schools." 20 U.S.C. § 7904(b).

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LEGAL EXPLAINER #4

MAHMOUD V. TAYLOR: WHAT DOES IT MEAN FOR PARENTS OF PUBLIC SCHOOL CHILDREN?

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On June 27, 2025, the United States Supreme Court issued a landmark decision reaffirming that parents have a constitutional right to control the religious upbringing of their children, even when their children attend a public school. In *Mahmoud v. Taylor*, the Court ruled that the Montgomery County School District in Maryland violated the Free Exercise Clause of the First Amendment by revoking parents' ability to opt their children out of reading books with LGBTQ+ themes that conflicted with their religious beliefs.

The Court emphasized that parental rights do not end at the schoolhouse gate. The ruling establishes a nationwide requirement: when public schools include instructional materials on controversial topics such as gender identity, they must accommodate families with sincere religious objections by offering and respecting an opt-out right to parents.

This decision has immediate implications for parents across the country as they prepare for the 2025–2026 school year. Parents should know their rights and take proactive steps to protect them. WILL offers a [parental opt-out form](#), a [template notice letter for teachers to inform families](#), and a [model school board policy](#) that parents can share with their local board to ensure schools comply with the ruling and respect religious liberty.

Why was this case brought?

A group of religious parents in Montgomery County, Maryland, one of the most religiously and ethnically diverse counties in the United States, sued the Montgomery County Board of Education in 2023 when the district revoked its prior policy allowing parents to opt their children out of reading LGBTQ+ books. *Mahmoud v. Taylor*, 145 S.Ct. 2332, 2341–44, (2025).

The school district integrated these books into their English Language Arts curriculum in 2022. *Id.* at 2343. While the district initially allowed religious opt-outs, it rescinded that policy with regard to the LGBTQ+ books in 2023. *Id.* at 2346.

Teachers were also instructed to respond to students' questions about the books in ways that discouraged negative perceptions of LGBTQ+ ideals and were meant to "[d]isrupt the either/or thinking' of their students." *Id.* at 2345. (citation omitted).

What was in these books?

The books contained numerous references to queer culture, transgenderism, same-sex marriage, and choosing and respecting pronouns. All of the books presented these topics in an affirming, positive light, often portraying them as essential to happiness and identity. *Id.* at 2343–44.

One book, *Prince and Knight*, depicted a same-sex relationship between a prince and a knight, which ended with the entire kingdom applauding on their wedding day. *Id.* at 2344. Another told the story of a girl named Penelope who wished to be a boy and felt happy and fulfilled after her mother recognized her as one. *Id.* at 2344–45. Teachers were trained to frame these concepts as unquestionably right and dismiss religious objections as "hurtful" and wrong.

What did the parents argue to the Court?

The parents argued that the school district violated their First Amendment right to freely exercise their religion by withholding notice and refusing to allow them to opt their children out of reading or being lectured to about the LGBTQ+ storybooks. They said that by forcing their children to participate in instruction that directly conflicted with their faith, the school district interfered with their right "to direct the religious upbringing of their children," which posed "'a very real threat of undermining' the religious beliefs and practices that parents wish to instill in their children." *Id.* at 2349, quoting *Wisconsin v. Yoder*, 406 U.S. 205, 218, 233 (1972).

What did the Montgomery County School Board argue to the Court?

The school board argued that it would be too difficult and disruptive to allow every child with a religious objection to opt out. *Id.* at 2345–46. They said it would burden teachers, disrupt the classroom environment, and "expose other students to 'social stigma and isolation.'" The board also told parents that if they didn't like the curriculum, they should consider enrolling their children in private school. *Id.* (citation omitted).

What did the United States Supreme Court decide?

The Supreme Court rejected the school board's arguments. It ruled that the school district's refusal to notify parents and allow them to opt their children out of instruction involving the storybooks substantially interfered with the parents' religious upbringing of their children. *Id.* at 2352–53. The Court compared this to a previous case, *Wisconsin v. Yoder*, where the Court protected the rights of Amish parents to withdraw their children from high school despite the Wisconsin law requiring attendance until age 16.

Like in *Yoder*, the Court said the government needed to meet a very high standard, called “strict scrutiny,” to justify infringing on these parental rights. That means the government must have a truly compelling reason and must use the least restrictive way to achieve its goal. The Court found that the Montgomery County School Board failed to meet that standard, making its actions unconstitutional. *Id.* at 2363–64.

Given that in *Yoder* the Supreme Court held that parents had the right to completely opt out of educational instruction based upon their religious beliefs, it is no surprise that in *Mahmoud* the Court required schools to allow parents to opt out of particular instructional materials and to notify the parents when the materials would be used in the classroom. *Id.*

Does this ruling apply just to Montgomery County?

No. Because this case was decided by the United States Supreme Court, it applies to every public school district in the United States. All public schools must allow parents to opt their children out of instructional content that conflicts with their sincerely held religious beliefs.

What must schools do to comply with this decision?

To comply with *Mahmoud v. Taylor*, public schools must allow parents to opt their children out of any instructional content that conflicts with their sincerely held religious beliefs—not just materials related to gender identity or sexuality. Schools must provide a clear opt-out process, treat all religious objections neutrally, and ensure that students who are opted out are not penalized. They should ideally ensure that students who are opted out also receive appropriate alternative instruction.

While the Supreme Court did not impose a blanket requirement for advance notice in all instructional contexts, it held that the refusal by Montgomery County Public Schools to notify parents or honor opt-out requests violated the Constitution. That decision underscores that schools cannot undermine parental rights by keeping families in the dark. To avoid similar violations, districts should adopt clear policies for identifying sensitive or controversial topics, such as sexuality, gender identity, or race essentialism, and

should err on the side of providing notice. While schools cannot anticipate every objection, transparency is the best safeguard for respecting constitutional rights.

This ruling applies to any content that could undermine a parent's efforts to instill religious values at home, including but not limited to instruction on religion, morality, or other topics presented in ways that contradict the family's faith. The key principle is that parents (not the government) have the primary right to direct their child's religious upbringing, and public schools may not interfere with that right unless they can meet the strict scrutiny standard. Districts should update policies and assign staff to ensure timely compliance.

What does this mean for parents of children who attend public school?

At the 2025–2026 school year begins, parents should understand that they have a constitutional right to opt their children out of classroom materials that conflict with their religious beliefs. The Supreme Court's decision in *Mahmoud v. Taylor* makes clear that public schools must accommodate such opt-out requests unless they can meet the most demanding legal standard—strict scrutiny.

For parents, this means being proactive. Ask questions, review the curriculum, and communicate with teachers and principals. Under the federal Protection of Pupil Rights Amendment (PPRA), parents have a right to inspect and review the instructional materials used in their child's classes. If you believe your child is being exposed to content that violates your religious beliefs, you can submit an opt-out request at any time. WILL offers free resources to help, including an opt-out form, a teacher notification template, and a model school board policy.

For schools, now is the time to review and revise local policies. To comply with *Mahmoud*, school boards should adopt clear procedures for notifying parents in advance when content that may implicate religious concerns will be used and should provide a clear opt-out process. Transparency and communication with families are key.

The Supreme Court's decision in *Mahmoud v. Taylor* is a powerful reminder that public schools must respect the constitutional rights of parents. WILL provides a [parental opt-out form](#), a [teacher notice template](#), and a [model school board policy](#) to help ensure that families and schools uphold these rights.

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LEGAL EXPLAINER #5

UNDERSTANDING TITLE IX

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What is Title IX?

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex-based discrimination in educational settings. 20 U.S.C. § 1681(a). It states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” 20 U.S.C. § 1681(a). It ensures equal access and opportunities in schools, regardless of sex, including in academic, athletic, and extracurricular activities.

Scope of Coverage

Title IX applies to all public and private K–12 schools and higher education institutions that receive federal funding. § 1681(a).

Recent Title IX Developments Impacting Its Enforcement

For decades, “sex” has meant male or female and has been based on biological sex. However, in 2024, the Biden Administration released new regulations that expanded discrimination on the basis of sex to include discrimination based on “sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.” 34 C.F.R. § 106.10 (2024).

Since then, [*a federal judge has held*](#) the Biden Administration’s policy invalid, stopping its enforcement nationwide. *Tennessee v. Cardona*, 762 F. Supp. 3d 615, 628 (E.D. Ky. 2025). This means that the Biden regulations have been vacated and it is as if they were never in place. The decision returned Title IX enforcement to the previous (before the Biden changes) rules.

In January 2025, President Trump signed an executive order titled [*Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*](#), that defined “sex” as *biological* sex.* The order reaffirmed that Title IX applies to biological sex only. President Trump’s executive order clarifies that some distinctions based on biological sex are allowed even if they contradict a student’s gender identity. For example, to ensure safety, separate housing, bathroom, locker, and shower facilities are permitted. 34 C.F.R. §§ 106.32(b) and 106.33. And to ensure fairness, athletic teams can be separated by sex. § 106.41(b).

Key Takeaways for Parents about Title IX

- Students must be treated equally, regardless of their sex, promoting equal opportunities for women and girls in academics, athletics, and other extracurricular activities.
- Because Title IX applies to biological sex only, schools may make some sex-based distinctions, ensuring safe and fair environments.

What if I Believe My District Violated Title IX?

- Schools receiving federal financial assistance must comply with federal laws as a condition of that federal funding. If they do not, their federal funds are at risk.
- Anyone can file a complaint with the Department of Education’s Office for Civil Rights (“OCR”) alleging that a school has violated Title IX. (OCR Complaint Form linked [here](#)).†
- OCR has 180 days to decide whether to launch an investigation.
- If there is a violation, OCR and the school district will work towards a solution.
- In the most extreme scenario, the school district may lose its federal funding.
- The U.S. Department of Justice may also bring enforcement actions for noncompliance.

What Can Parents Do at the Local Level?

- Every school district is required to have a Title IX policy and must identify and publicize the name and contact information of its Title IX Coordinator.

* The White House, *Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/>

† <https://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint/ocr-discrimination-complaint-form>

- If you believe your child's school is violating Title IX, start by reviewing the district's Title IX policy and contacting the Title IX Coordinator, school principal, or district administrator to raise your concerns. You may also escalate concerns to the school board.
- Keep detailed records of all communications and incidents. Document everything in writing, including emails, letters, meeting notes, and dates of conversations.
- While local remedies are being pursued, you may still submit a complaint to the OCR at any time.

Parents are not powerless. Districts must follow federal law, and transparency and accountability begin with informed families.

WILL's Work Defending Title IX

WILL defends the original meaning of Title IX – equal opportunities for all students, especially women and girls – through litigation and legal advocacy.

- In *Tennessee v. Cardona*, WILL filed an [amicus brief](#) on behalf of Jane Doe, a female student athlete, supporting the successful challenge to the Biden Administration's unlawful Title IX rewrite.
- In *Doe v. Elkhorn Area School District*, WILL filed an [amicus brief](#) to help parents defend a school district's policy that protects the safety and privacy of its female students.
- In *Doe v. Mukwonago*, WILL filed an [amicus brief](#) on behalf of parents supporting a Wisconsin school district's policy of maintaining sex-specific bathrooms.
- WILL also co-authored a joint report titled [Protecting Title IX: A Resource Guide for School Boards](#) with the Defense of Freedom Institute and Southeastern Legal Foundation, warning of the legal and practical consequences of the Biden regulations before they were vacated.

WILL has also hosted and co-hosted several webinars:

- [What Wisconsin Parents Should Know About Title IX and School Policies](#) (September 2024)
- [The New Title IX Rule: Virtual Town Hall on New Resource Guide for School Boards](#) (November 2024)
- [Executive Action: Analyzing the Trump Executive Orders](#) (February 2025)
- [Title IX in the Trump Era](#) (March 2025)

WILL is a legal resource for parents, students, and school districts. If you believe your rights have been violated, you can contact us at www.will-law.org/contact-a-lawyer. Depending on your situation, we may be able to help further.

LEGAL EXPLAINER #6

UNDERSTANDING TITLE VI

This document should not be construed as legal advice. It is provided by the Wisconsin Institute for Law & Liberty (WILL), a 501(c)(3) nonprofit organization, as a public resource for informational purposes.

What is Title VI?

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities that receive federal financial assistance. 42 U.S.C. § 2000d.* This applies to public and private schools. Title VI ensures that no one is excluded from participation in, denied the benefits of, or subject to discrimination under any educational program or activity based on race. *Id.*

What Title VI Prohibits

Under Title VI, all schools receiving federal funds may not, on the basis of race, color, or national origin:†

- Deny an individual any service, financial aid, or other benefit
- Provide services or benefits differently to individuals
- Segregate or treat individuals separately in any matter related to receipt of any service, financial aid, or other benefit
- Restrict any individual's enjoyment of any advantage or privilege
- Treat individuals differently regarding admission, enrollment, quota, eligibility, membership or other program requirements
- Deny any individual the chance to participate in programs or offer participation opportunities that are different from those given to others

* "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 20 U.S.C. § 2000d.

† 34 C.F.R. § 100.3(b).

- Deny any individual the opportunity to serve on a planning or advisory committee that is an important part of the educational program

Race-Based Educational Programs: What the Law Actually Says

Despite the plain text of Title VI—which prohibits racial discrimination in federally funded schools—many school districts have embraced race-based policies under the banner of “Diversity, Equity, and Inclusion” (DEI). These policies regularly prioritize certain racial groups over others in areas like admissions, scholarships, discipline, and academic programming.

In classroom instruction specifically, such academic programming often involves activities that treat individuals or racial groups differently based on race or ethnicity, including: instruction that some races are privileged or disadvantaged because of their race; that America is an inherently racist country founded on racist principles; that individuals should experience guilt or discomfort because of their race; that different races have inherent or fixed traits or shared experiences because of their race; that racial groups should be treated “equitably” to make up for past discrimination; or that all racial disparities among groups are the result of past discrimination against those groups.

But in *Students for Fair Admission v. Harvard* (2023) (“SFFA”), the U.S. Supreme Court made clear that race-based discrimination is illegal. The Court held that any use of race in education must meet the most exacting constitutional standards. For K-12 schools subject to Title VI, that means race-based DEI programs are presumptively unlawful.

Under the SFFA framework, to survive judicial scrutiny, a race-based policy must satisfy *all five* of the following legal tests:

- (1) The policy may only be used to remedy “specific, identified instances of past discrimination that violated the Constitution or a statute,” not vague goals like “diversity” or racial proportionality.*
- (2) It must use precise and clearly defined racial categories, not “imprecise” or “overbroad” racial categories like “Asian” or “Hispanic.”†
- (3) It can never use race as a “negative” because a “benefit provided to some applicants but not to others necessarily advantages the former group at the expense of the latter.”‡
- (4) It cannot further “stereotypes that treat individuals as the product of their race”§; and
- (5) It must have a clear, measurable, and “logical end point.”¶

* SFFA, 600 U.S. 181, 207 (2023).

† Id. at 215–16.

‡ Id. at 218–19.

§ Id. at 221.

¶ Id.

Parents should be mindful of the following types of DEI programs or practices that many schools use to promote DEI, which raise concerns about potential racial discrimination:

- **Race-conscious admissions:** The practice of considering an applicant's race in admissions.
- **Race-based scholarships:** These programs allocate financial aid based on race.
- **Racial priority programs:** Programs that prioritize certain racial groups for academic support or special resources.
- **Disciplinary Disparities:** Differing disciplinary policies based on race.

Equality vs. Equity

In recent years, many schools and programs have increasingly focused less on “equality” and more on “equity.” While equality calls for treating every student as a unique individual, equity seeks to “even out” results through racial balancing and other affirmative action policies. As a result, equity often leads to measures that prioritize certain groups over others based on race—resulting in discriminatory practices.

The unanimous June 2025 U.S. Supreme Court decision in *Ames* reaffirmed what WILL has long argued: Title VI protects all individuals, without any preference for certain groups over others.* Accordingly, schools receiving federal funding are prohibited from discriminating against any student, regardless of race. Therefore, race-based “equity” policies—no matter how well-intentioned—frequently violate Title VI.

What if I Believe My District Violated Title VI?

- Schools receiving federal financial assistance must comply with federal laws as a condition of that federal funding. If they do not, their federal funds are at risk.
- Anyone can file a complaint with the Department of Education's Office for Civil Rights (OCR) alleging that a school has violated Title VI. (OCR Complaint Form linked [here](#)).†
- OCR has 180 days to decide whether to launch an investigation.
- If there is a violation, OCR and the school district will work towards a solution.

* *Ames v. Ohio Dep't of Youth Servs.*, 145 S.Ct. 1540, 1546 (2025) (“By establishing the same protections for every ‘individual’—without regard to that individual's membership in a minority or majority group—Congress left no room for courts to impose special requirements on majority-group plaintiffs alone.”); *Id.* (“Title VII bars discrimination against whites on the same terms as racial discrimination against nonwhites.”) (citation and quotation omitted).

† <https://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint/ocr-discrimination-complaint-form>

- In the most extreme scenario, the school district may lose its federal funding.
- The U.S. Department of Justice may also bring enforcement actions for noncompliance.*

WILL's Work Defending Equality Under the Law

WILL has challenged race-based programs and scholarship policies across the country.

- In [Rabiebnna v. Higher Educational Aids Board](#), WILL successfully challenged a scholarship program called the "Minority Undergraduate Retention Program" which excluded most students because of their race.
- In [Young Americans for Freedom, et al. v. U.S. Department of Education, et al.](#), WILL is in litigation seeking to end the unconstitutional and unfair discriminatory McNair scholarship program.
- In [WILL v. MMSD](#), WILL filed an open records lawsuit related to a policy wthat stated teachers should "meet with your African American students first and more often." WILL secured a settlement containing thousands of dollars in damages and reforms to how the school district processes open records.
- In [Decker v. GBAPS](#), WILL filed a federal Title VI complaint with the Office for Civil Rights (OCR) against the Green Bay Area Public School District (GBAPS) for discriminating against a dyslexic student based on race. The district is currently under investigation by the federal government.
- WILL [filed a federal Title VI complaint](#) with OCR against the Wauwatosa School District for its plan to shut down the successful Wauwatosa STEM School and phase out other STEM programs because too many white students use the programs.
- WILL wrote a [letter to the Appleton Area School District](#) when Appleton East High School planned to hold two back-to-school nights, with one night being designated for only "Freshmen Students of Color" and their families.
- WILL filed a [Title VI complaint](#) against a public middle school in Indiana for hosting a racially segregated party during school hours.
- Visit www.will-law.org/equality to learn more.

WILL is a legal resource for parents, students, and school districts. If you believe your rights have been violated, you can contact us at www.will-law.org/contact-a-lawyer. Depending on your situation, we may be able to help further.

* Federal agencies have provided resources recently based on Title VI, which may be useful for more information. Although some of these are the subject of litigation, they are still useful discussions of Title VI obligations. See USDOJ, "Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination," July 29, 2025, available [here](#); U.S. Dept. of Education, Title VI Certification Letter, April 3, 2025, available [here](#); U.S. Dept. of Education, Dear Colleague Letter on Title VI, Feb. 14, 2025, available [here](#).

LEGAL EXPLAINER #7

UNDERSTANDING THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

This document should not be construed as legal advice. It is provided by the Wisconsin Institute for Law & Liberty (WILL), a 501(c)(3) nonprofit organization, as a public resource for informational purposes.

As a parent, you have the right to be involved in your child's education. The Family Educational Rights and Privacy Act (FERPA) is a federal law that gives you access to your child's education records and protects your family's privacy. This guide provides a brief overview of your rights under FERPA and how to take action if they are violated.

What is FERPA?

FERPA is a federal law that applies to schools receiving federal funds. It gives parents access to their children's educational records and control over the disclosure of their personally identifiable information.*

Key FERPA Definitions

- Educational agency/institution means any public or private school receiving federal funding.†
- "Education records" means records directly related to a student and maintained by the school.‡ This does not include personal notes that are not shared with others, law enforcement records, employee records, or medical records kept for treatment purposes.§
- Personally identifiable information includes the student's:
 - Name, address, and date/place of birth;

* 20 U.S.C. § 1232g. See also 34 C.F.R. § 99.3.

† 20 U.S.C. § 1232g(a)(3).

‡ 20 U.S.C. § 1232g(a)(4)(A)(i-ii).

§ 20 U.S.C. § 1232g(a)(4)(B)(i-iv).

- Student's family's names;
- Other information that could reasonably identify the student.*

What Does FERPA Say and What Does it Mean?

There are five main provisions of FERPA that parents should know about:

Right to Access Records

FERPA says that educational institutions or agencies, shall not have "a policy of denying, or which effectively prevents, the parents of students ... the right to inspect and review the education records of their children."†

FERPA also lays out several rules for schools to follow when parents request to inspect and review the educational records of their children:

1. If a record contains information of another student, the parents must still have the right to inspect and review the information about their child;‡
2. Once a parent requests to review and inspect their child's educational record, the school cannot destroy the educational records;§
3. When a parent requests to inspect and review their children's educational records, the request must be fulfilled by the school within 45 days of the school receiving the request;¶
4. While the school can charge a fee for copying the educational records, it may not charge a location or retrieval fee, nor may the school impose a copying fee that would effectively prevent a parent from exercising the right to inspect the educational records.**

Unfortunately, many schools and states across the country have cited FERPA as a reason to deny parents the right to inspect and review their children's educational records. This is an incorrect interpretation of the law since these records belong to the parents until the child turns 18 years old.

* 34 C.F.R. § 99.3.

† 20 U.S.C. § 1232g(a)(1)(A).

‡ 20 U.S.C. § 1232g(a)(1)(A).

§ 34 C.F.R. § 99.10(e).

¶ 34 C.F.R. § 99.10(b).

** 34 C.F.R. § 99.11(a-b).

Right to Consent to Disclosures

In general, either a parent or a student who has turned 18 must give consent in order for educational records to be disclosed.* Consent must be made in writing and include which records may be disclosed, the purpose of the disclosure, and the identity of the party or class of parties to whom the disclosure may be made.†

However, there are certain individuals and entities that are allowed access to your child's educational records without your consent and without such disclosure being a FERPA violation.‡ These include officials of other schools in which the student intends to enroll, state and local officials under certain circumstances, and other individuals and entities as defined in the law.

"Directory information" may be disclosed by the school without explicit parental consent, so long as it is noticed properly.

The school does not need explicit parental consent to disclose the "directory information," even though most of the information falls under the definition of personally identifiable information.

Directory information includes the students':

- a. Name;
- b. Address;
- c. Phone number;
- d. Date and place of birth;
- e. Major field of study;
- f. Participation in officially recognized activities and sports;
- g. Weight and height of members of athletic teams;
- h. Dates of attendance;
- i. Degrees and awards received; and
- j. Most recent previous school attended by the student.§

However, "directory information" may *only* be disclosed if the school gives proper public notice that it intends to do so and gives parents a chance to opt out of this disclosure. This public notice must include:

* 20 U.S.C. § 1232g(d).

† 20 U.S.C. § 1232g(b)(2)(A) and 34 C.F.R. § 99.30(b)(1-3).

‡ 20 U.S.C. § 1232g(b)(1)(A-L).

§ 20 U.S.C. § 1232g(a)(5)(A).

- a. the types of personally identifiable information that the agency or institution has designated as directory information;
- b. A parent's right to refuse to let the agency or institution designate any or all of those types of information about the student as directory information; and
- c. The period of time within which a parent to notify the agency or institution in writing that he or she does not want any or all of those types of information about the student designated as directory information.*

In order to receive federal funds, schools must inform parents about FERPA annually.

Schools *must* effectively inform parents of FERPA annually.[†] This required notice must include who is considered a "school official" and the right of parents to:

- a. Inspect and review their students' educational records and how to do it;
- b. Seek an amendment to their students' educational records if the parent believes something is inaccurate and how to do it;
- c. Consent to disclosure of personally identifiable information contained in their students' educational records; and
- d. File a complaint with the Department of Education alleging failures by the school to comply with FERPA.[‡]

Enforcement of FERPA

If a school is not following FERPA laws, the U.S. Department of Education (ED) has created a portal for parents with information on how to submit FERPA and PPRA (Protection of Pupil Rights Amendment) complaints with the Student Privacy Policy Office (SPPO).[§]

The written complaint must contain the specific allegations giving reasonable cause to belief that a violation of FERPA has occurred.[¶] The parents must file this written complaint within 180 days from the date of the alleged violation for the SPPO to investigate.^{**} If a parent does not want to draft their own complaint, the U.S. Department of Education has a FERPA complaint form on their website.^{††}

* 20 U.S.C. § 1232g(a)(5)(B); 34 C.F.R. § 99.37.

† 20 U.S.C. § 1232g(e), 34 C.F.R. § 99.7(a)(1).

‡ 34 C.F.R. § 99.7(a)(2)(i-iv); 34 C.F.R. § 99.7(a)(3)(i-iii).

§ U.S. Department of Education: Protection Student Privacy: File a Complaint (available at: <https://studentprivacy.ed.gov/file-a-complaint#:~:text=FERPA%20Complaint%20Form,En%20Espa%C3%B1ol:%20PPRA%20Complaint%20Form>); See also 34 C.F.R. § 99.64(b).

¶ 34 C.F.R. § 99.64(a).

** 34 C.F.R. §§ 99.64(b-d).

†† U.S. Department of Education: Protection Student Privacy: File a Complaint (available at: https://studentprivacy.ed.gov/sites/default/files/resource_document/file/EComplaint%20form%20FERPA_Updated_508_013123.pdf).

The Supreme Court of the United States has ruled that there is no private right of action under FERPA.* A private right of action allows individuals to sue for violations of the law and seek relief for said violations. Because there is no private right of action, parents cannot bring lawsuits in court alleging that a school has violated FERPA.

FERPA empowers you to stay informed, involved, and in control of your child's education. While schools are legally required to honor your rights under FERPA, it is often up to parents to assert those rights and hold schools accountable.

WILL is a legal resource for parents, students, and school districts. If you believe your rights have been violated, you can contact us at www.will-law.org/contact-a-lawyer. Depending on your situation, we may be able to help further.

* *Gonzaga Univ. v. Doe*, 536 U.S. 273 (2002).

This document is part of the WILL Parental Rights Toolkit. Explore the full toolkit at: www.will-law.org/parenttoolkit



LEGAL EXPLAINER #8

SURVEYS AND SCHOOLS: UNDERSTANDING PARENTAL RIGHTS AND THE PPRA

This document should not be construed as legal advice. It is provided by the Wisconsin Institute for Law & Liberty (WILL), a 501(c)(3) nonprofit organization, as a public resource for informational purposes.

What does the PPRA require?

The Protection of Pupil Rights Amendment (PPRA) gives parents and guardians important rights when public schools administer surveys or collect sensitive student information, including:

- Giving parents the right to inspect:
 - a. All “instructional materials”^{*} (1) used in any survey, analysis, or evaluation involving their child, 20 U.S.C. § 1232h(a), or (2) used as educational curriculum, § 1232h(c)(1)(C).
 - b. All protected information surveys (even if created by a third party), § 1232h(c)(1)(A).
- Requiring written parental consent before a student is required to take part in any survey, analysis, or evaluation that asks about one of the eight sensitive topics below,[†] § 1232h(b).
- Giving parents the right to opt their child out of surveys, evaluations, or data collection activities on the eight topics below. § 1232h(c)(2)(A)(ii).

When does this apply?

- Applies to any survey, analysis, or evaluation (written or oral) that asks about any of the following topics (20 U.S.C. §§ 1232h(b) and 123h(c)(1)(B)):

^{*} “[I]ncluding teacher’s manuals, films, tapes, or other supplementary material.” 20 U.S.C. § 1232h(a).

[†] “Applicable program” means any program that the DOE is in charge of running or overseeing under federal law.

1. Political affiliations or beliefs of the student or the student's parent;
 2. Mental or psychological problems of the student or the student's family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of other individuals with whom respondents have close family relationships;
 6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
 7. Religious practices, affiliations, or beliefs of the student or student's parent; or
 8. Income (other than as required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
-

What must school districts do?

- Adopt policies to notify parents of their PPRA rights at the start of the year and after any changes to the policies. 20 U.S.C. § 1232h(c)(2)(A).
- Notify parents of the specific or approximate dates when surveys concerning the eight categories above are scheduled or expected to be scheduled. 20 U.S.C. § 1232h(c)(2)(C).



When does this apply and what are the options for public school parents?

- This includes any written or oral survey, analysis, or evaluation that reveals information about any of the eight categories listed in the PPRA.
- Parents also have a right to inspect, upon request, any survey created by a third party before the survey is administered or distributed to a student. Parents may opt students out in writing.
- Parents have a right under federal law to inspect all instructional materials which will be used in connection with any survey, analysis, or evaluation given in school.

What if my rights are violated?

- Parents can file a complaint with the Student Privacy Policy Office (SPPO) at the U.S. Department of Education by sending the completed PPRA complaint form* to PPRA.Complaints@ed.gov.

WILL is a legal resource for parents, students, and school districts. If you believe your rights have been violated, you can contact us at www.will-law.org/contact-a-lawyer. Depending on your situation, we may be able to help further.

* Find the PPRA Complaint Form at this link: <https://studentprivacy.ed.gov/file-a-complaint>.

This document is part of the WILL Parental Rights Toolkit. Explore the full toolkit at: www.will-law.org/parenttoolkit



LEGAL EXPLAINER #9

UNDERSTANDING THE IDEA AND REQUESTING A SPECIAL EDUCATION EVALUATION

This document should not be construed as legal advice. WILL attorneys do not specialize in special education or disability law. It is provided by the Wisconsin Institute for Law & Liberty (WILL), a 501(c)(3) nonprofit organization, as a public resource for informational purposes.

What is the IDEA?

The Individuals with Disabilities Act (IDEA) is a federal law that ensures students with disabilities receive a free appropriate public education (FAPE).^{*} This includes access to special education and related services designed to meet the unique needs of each student.[†]

If your child has a disability that impacts their ability to learn, they may be eligible for an Individualized Education Program (IEP) under the IDEA.[‡] The IEP outlines the support, services, and goals your child should have to succeed in school.[§]

Your Rights as a Parent

You have powerful rights under the IDEA, including the right to:

- Request an evaluation if you suspect your child might have a disability.[¶]
- Participate in meetings where your child's educational needs are discussed.^{**}

^{*} 20 U.S.C. § 1400, *et seq.*; 20 U.S.C. § 1400(d)(1)(A).

[†] 20 U.S.C. §§ 1401(9), 1412(a)(1).

[‡] 20 U.S.C. §§ 1401(3)(A), 1414(a)(1)(A).

[§] 20 U.S.C. § 1414(d).

[¶] 20 U.S.C. § 1414(a)(1); 34 C.F.R. § 300.301.

^{**} 20 U.S.C. § 1415(b)(1); 34 C.F.R. § 300.501.

- Receive written notice when the school proposes or refuses to take action.*
- Give (or withhold) consent for evaluations and services.†
- Disagree with decisions and pursue dispute resolution.‡

How to Request an Evaluation

You have the right to request a special education evaluation. This is the first step in determining whether your child qualifies for services under the IDEA.

You can request an evaluation **verbally or in writing**. We recommend making the request in writing to document the date of your request and help ensure the school complies with legal timelines.

There are **no “magic words”** required. You don’t need to cite the IDEA or use legal language. Simply explain your concerns and say you are requesting an evaluation for special education services.§

What Happens Next?

Once the school receives your request:

1. The school must respond within a reasonable time,[¶] usually within 15 business days.
2. The school must either:
 - a. Ask for your written consent to conduct the evaluation,** or
 - b. Refuse to evaluate and give you **prior written notice** explaining the reason for refusal.†† If the school refuses, you have the right to challenge that decision through the IDEA dispute resolution process.‡‡
3. If you give consent, the school must complete the evaluation within 60 calendar days (or the state’s timeline, if shorter).§§

* 20 U.S.C. § 1415(b)(3); 34 C.F.R. § 300.503.

† 20 U.S.C. § 1414(a)(1)(D); 34 C.F.R. §§ 300.300, 300.9.

‡ 20 U.S.C. §§ 1415(b), (f), (g); 34 C.F.R. §§ 300.507–300.518.

§ 34 C.F.R. § 300.503(b)(4).

¶ 34 C.F.R. § 300.301(c).

** 20 U.S.C. § 1414(a)(1)(D)(i); 34 C.F.R. §§ 300.300(a)(1), 300.9(b).

†† 20 U.S.C. § 1415(b)(3); 34 C.F.R. § 300.503(a).

‡‡ 20 U.S.C. §§ 1415(f)–(h).

§§ 34 C.F.R. § 300.301(c)(1).

4. After the evaluation, the school will hold a meeting to determine whether your child qualifies for special education and, if so, develop an IEP.*

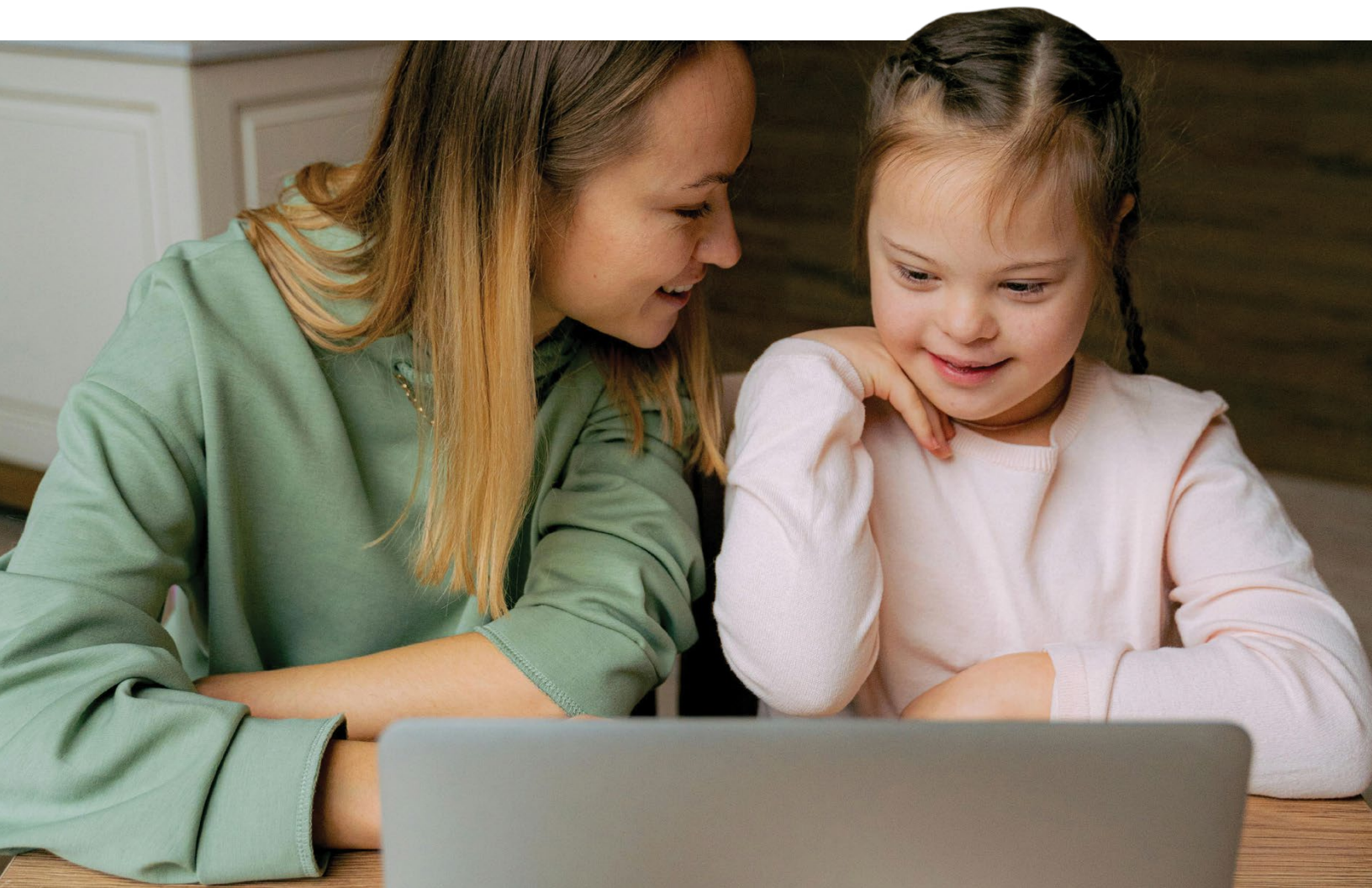
Important: The school **cannot delay or deny** an evaluation because your child hasn't completed a local intervention program like MLSS (Multi-Level Systems of Support). Federal guidance makes clear that these programs cannot be used to postpone or deny evaluations.†

WILL is a legal resource for parents, students, and school districts. If you believe your rights have been violated, you can contact us at www.will-law.org/contact-a-lawyer. Depending on your situation, we may be able to help further.

* 20 U.S.C. § 1414(d); 34 C.F.R. § 300.320.

† 34 C.F.R. § 300.301(c); see also OSEP Memorandum 11-07 (Office of Special Education Programs, 2011) (available at: <http://www.kyspin.com/wp-content/uploads/2023/01/OSEP-Memorandum---RTI-process-1-21-11.pdf>). ("The use of RTI [Response to Intervention] strategies cannot be used to delay or deny the provision of a full and individual evaluation, pursuant to 34 CFR §§300.304-300.311, to a child suspected of having a disability under 34 CFR §300.8.")

This document is part of the WILL Parental Rights Toolkit. Explore the full toolkit at: www.will-law.org/parenttoolkit



LEGAL EXPLAINER #10

FILING A FEDERAL DISCRIMINATION COMPLAINT WITH THE OFFICE FOR CIVIL RIGHTS (OCR)

This document should not be construed as legal advice. It is provided by the Wisconsin Institute for Law & Liberty (WILL), a 501(c)(3) nonprofit organization, as a public resource for informational purposes.

If your child has been treated unfairly at school because of their race, color, national origin, sex, or disability, you may be able to file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR). Federal civil rights laws protect students from discrimination in schools that receive federal funding. OCR investigates complaints and can require schools to correct violations and ensure compliance with federal law. This process is separate from any complaint you may file with your local school district.

My child has experienced discrimination at school. Can I file a complaint with the federal government?

Yes. If you believe your child has been discriminated against based on race, color, national origin, sex, or disability, you may file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR). Students have protection against discrimination under federal law.

OCR has authority to investigate complaints involving public schools, charter schools, and any private schools or programs that receive federal funds. You can learn more about the types of discrimination OCR investigates [here](#).

How to File a Complaint with OCR

The complaint must be filed within 180 days of the date the discrimination occurred.

There is no requirement to file a complaint with the district prior to submitting a complaint to OCR.

Parents may also file complaints with both district and OCR simultaneously (although OCR may stay its involvement if it anticipates the district will provide a resolution).

OCR offers an [electronic complaint form](#) or [fillable PDF complaint form](#).

When submitting your complaint, be sure to include:

1. School or district you are complaining about;
2. Who has been discriminated against and when;
3. A description of each discriminatory act, including:
 - a. Date(s) of the incident
 - b. Name(s) of individual(s) involved
 - c. What happened
 - d. Witnesses (if any)
 - e. What you believe the discrimination was based on and why
4. The remedy you are seeking.
5. Plan to also include whether you have documentation that you believe will help OCR understand your complaint, as well as your contact information.

What does the Office of Civil Rights do with the complaints?

OCR evaluates complaints to determine whether the complaint is subject to further processing and may decide to conduct its own investigation. OCR will contact you if it needs more information. If that happens, you will have **14 days to respond** (unless you request additional time to provide the information).

If OCR opens an investigation and determines a school district failed to comply with federal civil rights law(s) that OCR enforces, then OCR will contact the district and attempt to secure its willingness to negotiate a **voluntary resolution agreement**. This involves a written resolution agreement and monitoring by OCR of the implementation of its terms.

If the district does not agree to a voluntary resolution or does not comply with the terms of a resolution agreement, then OCR may initiate **administrative enforcement proceedings** or refer the case to the **U.S. Department of Justice** for enforcement.

My child has a disability – Are there other laws that protect them from discrimination?

Yes, children with disabilities that impact their learning have additional protections under state and federal law. The Individuals with Disabilities Education Act (IDEA) requires school districts to provide education and accommodations to students with disabilities.

If a child is determined to have a disability that impacts their learning, a child will receive an Individualized Education Plan (IEP). Federal and state law requires districts to follow protocols and procedures to identify, implement, and change the IEP for each child.

The IDEA also has its own processes for administrative appeals if the parent is unhappy with the district's determination of the educational services for the child.

WILL is a legal resource for parents, students, and school districts. If you believe your rights have been violated, you can contact us at www.will-law.org/contact-a-lawyer. Depending on your situation, we may be able to help further.

This document is part of the WILL Parental Rights Toolkit. Explore the full toolkit at: www.will-law.org/parenttoolkit



LEGAL EXPLAINER #11

FILING A STUDENT NONDISCRIMINATION COMPLAINT (WISCONSIN)

This document should not be construed as legal advice. It is provided by the Wisconsin Institute for Law & Liberty (WILL), a 501(c)(3) nonprofit organization, as a public resource for informational purposes.

If you believe your child is being treated unfairly by their school because of race, sex, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or disability, Wisconsin law gives you the right to file a complaint.

What Wisconsin Law Says about Student Nondiscrimination

Wisconsin's pupil nondiscrimination law provides that "no person may be denied admission to any public school or be denied participation in, be denied the benefits of or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program or activity because of the person's sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability." Wis. Stat. § 118.13.*

This law is specifically for students, and school boards are required to develop written policies and procedures to implement student nondiscrimination law.

While the district should be trained to recognize complaints of discrimination and harassment, the reality is that staff might not be adequately trained.

* The Department of Public Instruction's administrative code defines "discrimination" to include "any action, policy or practice, including bias, stereotyping and pupil harassment, which is detrimental to a person or group of persons and differentiates or distinguishes among persons, or which limits or denies a person or group of persons opportunities, privileges, roles or rewards based, in whole or in part, on sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or which perpetuates the effects of past discrimination." Wis. Admin. Code § PI 9.02. WILL disagrees with DPI's overly broad definition of discrimination in PI 9.02, which includes vague terms like "bias," "stereotyping," and "perpetuating the effects of past discrimination." Discrimination should mean intentional unequal treatment—not neutral policies that result in statistical disparities. Evaluating discrimination based on impact rather than intent invites subjectivity and punishes lawful conduct. Unequal outcomes alone do not prove discrimination.

Does my school district have a student nondiscrimination policy?

Parents may file a student discrimination complaint with their school district according to district policy.

Each school district should have a written policy for handling student nondiscrimination complaints. This is usually found in school board policies, the student handbook, or by request from the district office.

Parents have the right to ask for a copy of the policy and procedure.

Parents should be mindful of the process, especially if the district has a policy which triggers initiating an investigation within a certain number of days.

What should I include in a complaint to the school district?

A complaint submitted under the pupil nondiscrimination process should include:

- Details about the denial of participation or discrimination against the student and how the student was treated differently
- What protected characteristic (such as sex, race, or religion) was involved
- Any supporting facts or documentation you have

The law requires school board policies to have a process for “receiving and investigating complaints by residents of the school district regarding possible violations of this section, for making determinations as to whether this section has been violated and for ensuring compliance.” Wis. Stat. § 118.13(2)(a).

What if I submit this complaint and disagree with the district’s response?

The law provides for an appeal to the Department of Public Instruction (DPI). But the DPI may not consider your appeal unless you have gone through all the steps in the school district complaint procedure and the school district has issued a final decision. An appeal to the DPI must be filed within **30 days** of the final decision by the district.

If the district (a) has no pupil discrimination complaint procedure or (b) fails to make a decision after 90 days, you may file a complaint directly with the DPI instead.

How do I file a complaint with the Department of Public Instruction?

Send your complaints or appeals to the DPI by mail to:

Wisconsin Department of Public Instruction
P.O. Box 7841
Madison, WI 53707-7841

The DPI Pupil Nondiscrimination Program may be contacted via phone at (608) 267-9157 or (800) 441-4563.

When appealing to the DPI, appeal documentation should include:

- A statement explaining why you're appealing
- Facts showing that discrimination occurred
- The outcome or resolution you are seeking
- A copy of the district's final decision (if available)
- Any other relevant documentation or correspondence

The DPI does not do its own investigation. Rather, the DPI relies on the district to perform an investigation sufficient to comply with the district's obligations under state law and administrative rule. So, providing thorough information is important.



What the DPI Can Do

If the DPI agrees that discrimination occurred, it can require a school district to submit a **Corrective Action Plan**. This might include:

- Staff training
- Policy changes
- Improved complaint investigation procedures
- Protections against retaliation

If you disagree with the decision by the DPI, you can appeal to circuit court. While a parent can file this appeal on their own, it is often most effective with the help of an attorney. Wisconsin law provides this additional step for parents to pursue accountability when their child has experienced discrimination in public school. By understanding and following the steps in this resource, parents can become equipped to advocate for the rights of their children and seek necessary changes to ensure all students are treated fairly.

WILL is a legal resource for parents, students, and school districts. If you believe your rights have been violated, you can contact us at www.will-law.org/contact-a-lawyer. Depending on your situation, we may be able to help further.

This document is part of the WILL Parental Rights Toolkit. Explore the full toolkit at: www.will-law.org/parenttoolkit

LEGAL EXPLAINER #12

PARENT GUIDE TO OPEN RECORDS REQUESTS TO SCHOOLS (WISCONSIN)

This document should not be construed as legal advice. It is provided by the Wisconsin Institute for Law & Liberty (WILL), a 501(c)(3) nonprofit organization, as a public resource for informational purposes.

The purpose of this guide is to provide a brief overview of when you should submit an open records request to your school and the main things to keep in mind when doing so. For a more in-depth look at Wisconsin's open records laws, please see [WILL's Citizen's Guide to Open Government](#).*

What do you need to know about submitting an open records request to your school?

If your request is for something other than the educational records on your child, the instructional materials that will be used in their education, or the human growth and development curriculum, you can submit an open records request under Wisconsin law.

When submitting an open records request, there are a few things you should keep in mind. **The school must fill the request “as soon as practicable and without delay.”**

Because open records requests can vary in size and type, Wisconsin statute only requires requests be fulfilled “as soon as practicable and without delay” or you must be notified that your request is being denied and the reasons for the denial in writing.† In other words, there is no definitive timeline that requires schools to respond to open records requests. Unfortunately, this means that many open records requests can take weeks or months before they are filled.

In our [Citizen's Guide to Open Government](#), WILL recommends following up with the school if your request has not been acknowledged for more than two weeks. If enough time has passed that you believe your request will not be filled, you may be able to file a lawsuit alleging unreasonable delay.

* <https://will-law.org/wp-content/uploads/2023/08/CitizensGuide-PublicRecords.pdf>.

† Wis. Stat. § 19.35(4)(a).

The school can charge “actual costs” of producing copies and location costs if the location costs add up to more than \$50.

Schools may charge “actual, necessary, and direct cost of reproduction” when providing open records requests.* For example, if you are requesting physical copies of records, the school may charge a fee for printing those records and mailing them to you. However, if you are requesting electronic copies of records, the school would need to demonstrate that it actually costs money for the records custodian to put those electronic copies in an email.

Additionally, the school may charge a fee for locating the requested records, but only “if the cost is \$50 or more.”† If a school is providing you with electronic records and telling you that you owe them \$15 in location fees, that is a misapplication of Wisconsin open records law.

Finally, the Wisconsin Office of Open Government released an advisory on “Charging Fees under the Wisconsin Public Records Law.”‡ In this advisory, the attorney general explains, “even if the lowest paid employee capable of reviewing and locating responsive records within the search result is not actually doing the reviewing and location, authorities should still always utilize the rate of pay of the lowest paid employee capable of reviewing and locating responsive records within the search results.”§

Most records created and kept by a government authority are able to be accessed via an open records request, but not everything is.

A record for purposes of Wisconsin open records law is “any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated data is recorded or preserved” that has “been created or is being kept by an authority.”¶

However, a record does not include “drafts, notes, preliminary computations, and like materials prepared for the originator’s personal use” or “materials that are purely the personal property of the custodian and have no relation to his or her office.”**

Finally, under Wisconsin law, public access to government records may be restricted only when a specific statutory exemption applies and the authority demonstrates a current need to withhold the record. For example, records may be withheld if they relate to closed-session topics under the Open Meetings Law††—such as employee discipline, litigation strategy, sensitive law enforcement information, or

* Wis. Stat. § 19.35(3)(a).

† Wis. Stat. § 19.35(3)(c).

‡ Wisconsin Attorney General, *Office of Open Government Advisory: Charging Fees under the Wisconsin Public Records Law*, August 8, 2018 (available at: <https://danecotowns.net/wp-content/uploads/2018/10/Atty-General-Advisory-re-Records-Fees-8.8.18.pdf>).

§ *Id.*

¶ Wis. Stat. § 19.32(2).

** Wis. Stat. § 19.32(2).

†† Wis. Stat. § 19.35(1)(a).

competitive negotiations—or if they contain personally identifiable information that could endanger safety,^{*} compromise investigations,[†] include trade secrets,[‡] or financial account numbers.[§]

Do you need to submit an open records request?

There are several situations where parents do not need to fill out an open records request to review or obtain certain information.

You do not need to submit an open records request for your child's educational records.

The federal law "Family Educational Rights and Privacy Act," or "FERPA," gives parents "the right to review and inspect the educational records of their children."[¶]

If you are looking to review or inspect an educational record, you do not need to submit an open records request for this information. Instead, you can notify your school that you would like to review or inspect your child's educational records as is your right under federal law. Utilizing FERPA can be helpful for parents because there are more explicit deadlines and fee prohibitions in FERPA than there are in our state open records law.

Once a parent requests to review and inspect their child's educational records under FERPA:

1. The school cannot destroy these records;^{**}
2. The school must allow you to review and inspect these records within 45 days;^{††} and
3. The school cannot charge you location or retrieval fees for these records. However, the school may charge you a copying fee so long as it does not "effectively prevent[] a parent ... from exercising the right to inspect the student's education records."^{‡‡}

For more information on FERPA, please see WILL's Parent Guide to the Family Educational Rights and Privacy Act.

You do not need to submit an open records request for curriculum and instructional material used on your child.

^{*} Wis. Stat. § 19.35(1)(am)2.a.

[†] Wis. Stat. § 19.36(2).

[‡] Wis. Stat. § 19.36(5).

[§] Wis. Stat. § 19.36(13).

[¶] 20 U.S.C. § 1232g(a)(1)(A).

^{**} 34 C.F.R. § 99.10(e).

^{††} 34 C.F.R. § 99.10(b).

^{‡‡} 34 C.F.R. § 99.11(a-b).

The federal law “Protection of Pupil Rights Amendment” (PPRA) gives parents the right to inspect “all instructional materials, including teacher’s manuals, films, tapes, or other supplementary material” that will be used in your child’s education.*

“Instructional materials” means any “instructional content that is provided to [your] student” including “printed or representational materials, audio-visual materials, and materials in electronic or digital formats.”†

If you are looking to inspect the instructional materials that will be used on your child, you can notify your child’s school that you would like to inspect the instructional materials as is your right under federal law.

You do not need to submit an open records request for human growth and development material.

Wisconsin statute § 118.019(3) says that any school district that provides an instructional program in human growth and development must provide the parents with an outline of the human growth and development curriculum used in your student’s grade level and information on how you can inspect the complete curriculum and instructional materials annually.

Further, the statute says that the school board must make the complete human growth and development curriculum and instructional materials available for inspection upon your request “at any time, including prior to their use in the classroom.”‡

If you are looking to inspect the human growth and development curriculum and instructional materials that will be used on your child, you can notify your school that you would like to inspect the human growth and development curriculum and instructional materials as is your right under state law.

To make it easier for parents to submit open records requests under Wisconsin law, WILL has created a template open records request free to download.

WILL is a legal resource for parents, students, and school districts. If you believe your rights have been violated, you can contact us at www.will-law.org/contact-a-lawyer. Depending on your situation, we may be able to help further.

* 20 U.S.C. 1232h(a).

† 20 U.S.C. 1232h(c)(6)(A).

‡ Wis. Stat. § 118.019(3).

LEGAL EXPLAINER #13

STUDENT IMMUNIZATION LAW (WISCONSIN)

This document should not be construed as legal advice. It is provided by the Wisconsin Institute for Law & Liberty (WILL), a 501(c)(3) nonprofit organization, as a public resource for informational purposes.

Overview

Wisconsin law requires students in public, private, and charter schools, as well as in childcare centers, to provide either:

- **Proof of vaccination**, or
- **A written waiver** (medical, religious, or personal conviction)* within the first **30 days** of the school year.†

Wisconsin is one of only **19 states** that allows **all three types** of waivers.‡ Students who are homeschooled or fully virtual are exempt, unless they participate in in-person classes or activities. However, if a student enrolls in extracurricular activities and or courses in a brick-and-mortar public or private school, the student then will need to either present evidence of vaccination or written waiver.§

An overview of immunization requirements for all states can be found on the National Conference of State Legislatures (NCSL) website.¶

* DHS §§ 144.04-144.05; A waiver for health reasons is a waiver that a physician signs saying that the vaccine is or may be harmful to the health of the student. A waiver for religious or personal conviction is a waiver signed by the parent that declares an objection to immunization on religious or personal conviction grounds. All three types of waivers can be used to take the place of evidence of immunization for any of the required vaccines to attend schools or daycares. *Id.*

† Wis. Stats. §§ 120.12(16)(b), 252.04(4); DHS § 144.06.

‡ Immunize.org, *Exemptions Permitted for State Childcare and School (K-12) Immunization Requirements*, May 2025 (available at: <https://www.immunize.org/official-guidance/state-policies/vaccine-requirements/exemptions-child-school-2025/>).

§ Wisconsin Department of Health and Human Services Division of Public Health, *Wisconsin School Immunization Requirements 2025-26*, July 22, 2024 (available at: <https://www.dhs.wisconsin.gov/publications/p4/p44545.pdf>).

¶ See <https://www.ncsl.org/health/state-non-medical-exemptions-from-school-immunization-requirements>.

Required Immunizations

Students must receive a “basic and booster” immunization series totaling approximately 18 immunizations, depending on grade level, for school entry. These include:

- Polio (4 doses)
- Hepatitis B (3 doses)
- DTap/DTP/DT/TD (4 doses)
- MMR (2 doses)
- Varicella (2 doses)
- TDaP (1 dose)
- Meningococcal (2 doses)

For full schedules by grade, see DHS § 144.03(2).*

Proof of Immunization

Evidence of immunization means “a paper or an electronic record, which at a minimum indicates that date that each required dose of vaccine was administered to a student or the results of a laboratory test indicating immunity to the disease.”† Waivers must include the vaccines waived and be signed and dated by a parent or physician, as applicable.‡

The Wisconsin Department of Health Services provides schools and parents with a form to fill out at the beginning of each school year.§ This form (DHS form [04020L](#))¶ contains blanks for all the information the school requires, including spaces the date of each vaccine, waivers,** and physician reported history of varicella.††

* https://docs.legis.wisconsin.gov/code/admin_code/dhs/110/144.pdf#page=2

† DHS § 144.02(26).

‡ DHS § 144.04, 144.05.

§ DHS § 144.09(1)(c).

¶ Department of Health Services Division of Public Health, *Student Immunization Record*, May 2024 (available at: <https://www.dhs.wisconsin.gov/forms/f04020L.pdf>).

** According to the guidance given to schools by DHS on August 19, 2024, parents can now use different waivers for different vaccines. For example, if a student is allergic to a vaccine, that student could have a health waiver for that vaccine and a personal conviction waiver for others. See https://www.dhs.wisconsin.gov/publications/p4/p44545.pdf?utm_source.

†† DHS form 04020L is not the only option for submitting evidence of immunizations. Parents may also submit an electronic immunization record such as a printout from the Wisconsin Immunization Registry (*WIR*), or documentation from their doctor's office.

Changes for the 2024-25 School Year

The Department of Health Service has updated* Wisconsin Admin. Code ch. DHS 144 to “better align with national vaccine recommendations.” Implementation of the updated school entry requirements took effect beginning with the 2024-2025 school year.†

A rule change in the administrative code DHS 144 originally went into effect on [February 1, 2023](#). On March 7, 2023, the Joint Committee on Administrative Rules and Regulations held a hearing for those to provide testimony in favor or in opposition of these new provisions. On March 9, 2023, the Joint Committee on Administrative Rules and Regulations suspended some of the proposed amendments to DHS 144 for a year. Then, on April 15, 2024, the suspension ended and the changes went into effect officially for the 2024-25 school year.‡

The rule change has four key provisions:

1. **Meningococcal** vaccines are required for students entering **7th grade** and a booster is required for students entering **12th grade**. Current Wisconsin students in grades 8-11 are exempt from this requirement.
2. A parent report of past infection of **varicella (chickenpox)** is no longer acceptable for new students.§ A medical professional must verify past disease or vaccine and sign the student immunization form.¶
3. Students who have not received immunizations may be excluded from school during **outbreaks** of certain diseases.

If an outbreak occurs, schools may excluded students who have not received certain immunizations, even if they have valid waivers.** Affected diseases now include:

- Measles, mumps, rubella
- Polio, pertussis, diphtheria
- Haemophilus influenzae type b (Hib)

* Wisconsin Department of Health Services, *Summary of Changes to Wisconsin 2024–2025 School Immunization Requirements for Local Health Departments, Schools, and Health Care Providers*, August 2024 (available at: <https://www.dhs.wisconsin.gov/publications/p03370.pdf#msdyntrid=82EbcWc8iijgVJITGlrciqjbFpIJ-eitEXX4u-3w9L4>).

† Wisconsin Department of Health Services, *Immunization Law Clarification*, July 2025 (available at: <https://www.dhs.wisconsin.gov/publications/p01438.pdf>).

‡ Wisconsin Department of Health Services, *DHS to Implement Immunization Updates for Children in Child Care Centers and Schools to Follow State Law*, May 20, 2024 (available at: <https://www.dhs.wisconsin.gov/news/releases/052024.htm>).

§ Students, excluding new students and kindergarteners, with a parental report of disease prior to May 2024 are still considered compliant.

¶ Department of Health Services Division of Public Health, *Student Immunization Record*, May 2024 (available at: <https://www.dhs.wisconsin.gov/forms/f04020l.pdf>).

** If a teacher, school nurse, or principal of the school knows or suspects that a communicable disease is present in the school, he or she must notify the local health officer. The teacher, school nurse, or principal may also send home students who are suspected of having a communicable disease. If a student is sent home under this suspicion, the school must notify the parents of the student of the actions and the reasons for it.

- Varicella (*new* in 2024-25)
 - Meningococcal disease (*new* in 2024-25)*
4. There are updated **reporting requirements** from both DHS and local health departments, particularly with the categorization of students as compliant or not compliant.†

Practical Guidance for Parents

1. **Understand your options:** Wisconsin parents may claim an immunization waiver for medical, religious, or personal reasons.
2. **Plan ahead:** Submit immunization records or waivers early to avoid delays or issues with school enrollment.
3. **Use compliant documentation:** DHS Form F-04020L is the easiest way to report vaccines and waivers, but parents may also submit alternate written documentation if it includes the required details.‡
4. **Customize waivers if needed:** Parents may use different types of waivers (medical, religious, or personal conviction) for different vaccines, depending on the reason for opting out.
5. **Be aware of outbreak rules:** Even with a valid waiver, unvaccinated students may be excluded from school during an outbreak of certain diseases.

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* DHS § 144.02(21).

† DHS § 144.07(4)(b).

‡ Parents should either submit the form the school or DHS provides or should provide documentation that includes: (1) all vaccines the child has received with the dates they were received (month, day, and year); (2) the specific vaccines that are being waived; (3) the type of waiver (health, religious, or personal conviction); (4) the date of the waiver; (5) the parent's signature.



PARENTAL
TOOLKIT

QUESTIONS TO ASK YOUR CHILD'S SCHOOL

QUESTIONS TO ASK #1

UNDERSTANDING THE SCIENCE OF READING: WHAT PARENTS SHOULD KNOW

This document should not be construed as legal advice. It is provided by the Wisconsin Institute for Law & Liberty (WILL), a 501(c)(3) nonprofit organization, as a public resource for informational purposes.

For years, schools across the country have used reading programs and instructional methods that contradict decades of research. The result? Millions of children struggle to read—not because they can’t learn, but because they were never taught properly. That’s beginning to change. Thanks to the work of education journalist Emily Hanford and advocates across the country, parents and policymakers are taking a closer look at how reading is actually taught—and demanding better.*

The “science of reading” is not just a buzzword. It’s a large and settled body of research on how children learn to read, and it shows clearly that reading is not a natural process.† Most students need to be explicitly and systematically taught the foundational skills, like phonics, phonemic awareness, vocabulary, fluency, and comprehension, that strong readers rely on.

Every child deserves a real chance to succeed. States using proven reading methods are seeing clear improvements. Parents can lead the way by asking direct questions and expecting honest answers about how their children are learning to read. You don’t need to be an expert to make a difference.

Red Flags to Watch for in Reading Homework or Curricula

- **Relying heavily on pictures or context clues to guess words:** If your child is encouraged to guess a word because “the picture looks like it” or “the sentence sounds right,” that’s a sign of three-cueing rather than decoding skills.
- **Focus on “sight words” without phonics:** While some high-frequency words can’t be sounded out easily, if a lot of emphasis is placed on memorizing words without teaching how to decode new words, that’s a red flag.

* <https://features.apmreports.org/sold-a-story/>

† <https://www.commentary.org/articles/robert-pondiscio/teaching-reading-right/>

- **Very little emphasis on letter sounds:** If homework or reading activities don't focus on sounding out letters, blending sounds, or breaking words into parts, the instruction may not be following the science of reading.

If you notice these signs, it's important to ask your child's teacher how they are teaching reading and whether the curriculum is based on explicit phonics and decoding instruction.

Questions to ask your school board:

- Is our district using reading curriculum and materials that align with the science of reading?
- What professional development are teachers receiving to support evidence-based reading instruction?
- Are all students in grades K–3 being screened regularly for reading difficulties?
- What kind of extra help does the school provide for kids who are struggling to read?

Questions to ask your child's teacher:

- How are you teaching my child to read?
- Are you incorporating phonics?
- What curriculum do you use, and is it aligned to the science of reading?
- How is my child doing on reading screeners?
- Is my child on track to be reading on grade level by the end of the year?
- What specific reading skills is my child strong in? Where is more support needed?
- If my child is struggling, what kind of intervention are they receiving?

How Parents Can Help Kids Learn to Read at Home

- Read aloud together every day—even 10 minutes helps.
- Practice letter sounds and how they connect to words.
- Play with breaking words into sounds and blending them.

- Ask your child to show how they sound out words at school.
- Encourage writing simple words or sentences.
- Remind them to sound out words, not just guess.

Small steps make a big difference. Celebrate their effort and progress to build confidence.

Reading is fundamental. With proven instruction, every child can learn to read well. Parents must stay engaged, ask tough questions, and hold schools accountable. Work with your child's teacher and support learning at home. Your involvement is key to ensuring your child's success. Don't stay silent. Your voice matters.

WILL is a legal resource for parents, students, and school districts. If you believe your rights have been violated, you can contact us at www.will-law.org/contact-a-lawyer. Depending on your situation, we may be able to help further.

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QUESTIONS TO ASK #2

UNDERSTANDING MATH INSTRUCTION: WHAT PARENTS SHOULD KNOW

This document should not be construed as legal advice. It is provided by the Wisconsin Institute for Law & Liberty (WILL), a 501(c)(3) nonprofit organization, as a public resource for informational purposes.

Math is not something children absorb by osmosis. It has to be taught—and taught well. For years, many schools have relied on math programs that prioritize group work or open-ended exploration over clear, direct instruction. The result? Too many students fall behind early and never catch up.

That’s changing. Policymakers, educators, and parents are pushing for reforms that align with what the research shows works: explicit, systematic math instruction that builds strong number sense, fluency, and problem-solving ability. Experts have been sounding the alarm that without mastery of the basics, students can’t succeed in higher-level math—or in life.* Leading states are acting,† adopting high-quality instructional materials, universal screening, and targeted interventions to get results.

This resource gives parents the tools to identify what good math instruction looks like, spot warning signs, ask the right questions, and support their children at home.

Red Flags to Watch For

If you see these in your child’s math homework or hear them from your child, it’s time to ask questions:

- **“Just guess” or “Use the strategy that works for you”:** This often replaces actual instruction. Students need to be taught *how* to solve problems—not left to figure it out on their own.
- **Lack of math fact fluency:** If your child isn’t practicing addition, subtraction, multiplication, and division facts until they’re automatic, they’re missing critical building blocks.

* <https://www.savemath.net>; <https://fordhaminstitute.org/national/commentary/latest-math-fad-another-excuse-teach-nothing>; <https://www.the74million.org/article/rethinking-the-definition-of-high-quality-instructional-materials-for-math/>

† http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1008/Sections/1008.25.html; <https://ride.ri.gov/instruction-assessment/mathematics/mathematics-screening-guidance>

- **Little or no explanation of how to solve problems:** If your child can't explain the steps for solving a problem and instead says they "just used a trick," they may not be learning the math in a clear, reliable way.
 - **Confusing word problems and busywork:** Word problems should reinforce skills—not distract from them. If the assignments are all puzzles with no clear math goal, that's a red flag.
-

Questions to Ask Your School Board

- Is our district using a math curriculum aligned to research-based standards that builds fluency and procedural skill?
 - Are teachers trained to provide explicit, systematic instruction in math?
 - Do we screen all K–8 students to identify those who are behind in math?
 - What support is in place for struggling students—and is it working?
-

Questions to Ask Your Child's Teacher

- How do you teach foundational math skills?
 - Are you using explicit instruction and guided practice?
 - What curriculum or materials do you use, and how do they build math proficiency?
 - How often does my child practice basic math problems?
 - What assessments show how my child is doing in math?
 - Is my child on track for grade-level math? If not, what's being done about it?
 - What kind of extra help is available if my child is behind?
 - Is my child getting math instruction every day? How long is that daily instruction?
-

How Parents Can Help at Home

You don't need to be a math expert to help your child succeed. Here's what makes a difference:

- **Practice math facts:** Just 5–10 minutes a day with flashcards or apps builds fluency.
- **Use math in real life:** Cooking, measuring, counting change, and estimating are great ways to build number sense.

- **Talk about math:** Ask your child how they solved a problem and listen for understanding.
- **Encourage accuracy over guessing:** Praise effort, but don't accept "close enough."
- **Stay in the loop:** Check homework and ask about what they're learning in math each week.

With strong instruction and consistent support, your child *can* succeed in math. But it starts with asking the right questions and expecting results. Don't assume your school is getting it right. Verify. Your child's future depends on it.

WILL is a legal resource for parents, students, and school districts. If you believe your rights have been violated, you can contact us at www.will-law.org/contact-a-lawyer. Depending on your situation, we may be able to help further.

This document is part of the WILL Parental Rights Toolkit. Explore the full toolkit at: www.will-law.org/parenttoolkit



QUESTIONS TO ASK #3

CELL PHONES IN SCHOOLS: WHAT PARENTS SHOULD KNOW

This document should not be construed as legal advice. It is provided by the Wisconsin Institute for Law & Liberty (WILL), a 501(c)(3) nonprofit organization, as a public resource for informational purposes.

Smartphones are everywhere, including in our schools. But mounting research shows they're doing more harm than good in the classroom. According to psychologist Jonathan Haidt and digital wellness expert Catherine Price of [The Anxious Generation](#), smartphones are undermining students' focus, mental health, sleep, and social development. Even just having a phone *in sight* reduces working memory and attention.

Teachers report that phones are one of the biggest barriers to learning. Instead of focusing on math or reading, students are scrolling TikTok, texting in class, or feeling pressure to respond instantly to social drama. Meanwhile, anxiety and depression rates have skyrocketed, especially among teens. The evidence is clear: kids do better, academically, emotionally, and socially, when schools limit cell phone use.

Some school districts have started to act. Others have not. Parents have the power to push for real change, and it starts with asking the right questions.

What Parents Should Know

- **Smartphones disrupt learning.** Studies show that even “off-but-visible” phones lower test performance and reduce attention.
- **Phones fuel distraction, anxiety, and drama.** Group chats, social media, and apps follow students into class, recess, and even the bathroom.
- **Mental health matters.** The rise in teen anxiety and depression tracks closely with the rise in smartphone access and social media use, especially among girls.
- **Teachers are overwhelmed.** Many report they spend time each class managing phone use or battling constant interruptions.
- **Students want boundaries.** Research shows many kids feel addicted to their phones and wish adults would help them set limits.

Red Flags to Watch For

- Your child's school allows unrestricted cell phone use throughout the day—even during class.
 - Students are expected to use their own devices for instruction, with no clear limits or monitoring.
 - Teachers are left to make their own rules, leading to inconsistency and confusion.
 - Discipline policies don't address phone misuse.
 - Your child's phone is interfering with sleep, focus, or friendships—and school isn't helping reinforce healthy habits.
-

Questions to Ask Your School Board

- Does our district have a cell phone policy?
 - If yes, what exactly does the cell phone policy say?
 - How is the policy enforced, and what happens if students don't follow it?
 - Have we considered phone-free school days or secure phone lockers?
-

Questions to Ask Your Child's Teacher

- What are the rules about phones in your classroom?
 - Do students ever use phones or devices during lessons?
 - How do you handle phone distractions during class?
 - Do you see phones interfering with learning or social dynamics?
-

Questions to Ask Your Child

- How often are you on your phone during the school day?
- Do you feel like your phone makes it harder to focus or pay attention in class?
- Have you ever felt anxious about something happening in a group chat or on social media while at school?
- Would it be easier to concentrate if phones weren't allowed at all?

What Parents Can Do

- **Support a strong policy.** Advocate for a district-wide rule that keeps phones out of the classroom during the entire school day—including lunch and hallway transitions.
- **Talk to your child.** Explain that phone limits aren't punishment—they're protection. Help them understand the *why* behind the rules.
- **Set boundaries at home.** Reinforce screen-free times (like homework, meals, and bedtime) to help build better habits.
- **Push for enforcement.** A policy is only as good as its follow-through. Ask your principal how it's being enforced—and if it's not, why not.
- **Build a coalition.** If your school doesn't yet have a strong policy, talk to other parents, gather data, and bring a proposal to your school board. WILL's model policy is a great place to start.

Phones don't belong in kids' hands during the school day. The evidence is overwhelming: when schools set firm, consistent boundaries around phone use, kids are calmer, classrooms are more focused, and learning improves. Parents have the power to demand change *and* to model it at home. Don't wait to see the negative effects. Speak up, stay involved, and protect your child's learning and well-being.

Learn More

- WILL [Model School Board Policy](#) on Cell Phones in the Classroom
- The Anxious Generation [Resource Library](#)
- [Jonathan Haidt](#) Substack
- [Catherine Price](#) Substack
- Daniel Buck on [How To Ban Phones Effectively](#)

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QUESTIONS TO ASK #4

SOCIAL EMOTIONAL LEARNING: WHAT PARENTS SHOULD KNOW (WISCONSIN)

This document should not be construed as legal advice. It is provided by the Wisconsin Institute for Law & Liberty (WILL), a 501(c)(3) nonprofit organization, as a public resource for informational purposes.

This guide is designed to equip Wisconsin parents with essential information about social and emotional learning (SEL). Whether you're encountering SEL for the first time or have specific concerns about your child's experience, this resource is intended to support your role as the primary decision-maker in your child's education.

SEL can sound innocent, but it's not always.

What begins as teaching kindness, empathy, and self-awareness can easily slide into ideological influence, especially at an early age. Groups like *Defending Education* warn that SEL has shifted from instruction on skills like self-awareness and goal setting to "Transformative SEL," which is often race and gender ideology embedded into SEL instruction.* Education policy expert Max Eden, who wrote extensively on SEL during his time as a senior fellow at the American Enterprise Institute, has cautioned that SEL has become an "ideologically charged enterprise" and that its implementation "tends to resemble the practice of unlicensed therapy."† We at WILL have previously noted that many parents believe that district personnel "teaching" their children about the "right way" to think about SEL topics interferes with the parents' right to guide their children's values and upbringing.‡

How does the Wisconsin Department of Public Instruction define SEL?

The Wisconsin Department of Public Instruction (DPI) defines social and emotional learning (SEL) as "the process through which children and adults acquire and effectively apply the knowledge, attitudes,

* See <https://defendinged.org/resources/sel101/>.

† See <https://docs.house.gov/meetings/AP/AP07/20220406/114597/HHRG-117-AP07-Wstate-EdenM-20220406.pdf>.

‡ See <https://will-law.org/wp-content/uploads/2024/04/ModelPolicies-2ndEdition-Chapter-29.pdf>.

and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions.”*

Are schools required to teach SEL?

There is no federal or state law that requires schools to teach a specific SEL curriculum. Whether SEL is required depends on each state’s laws and policies. In Wisconsin, schools must teach “personal development,”† which covers emotional and ethical growth, but the SEL “competencies” offered by DPI as guidance‡ are not mandated by state statute.

Wisconsin law requires the school to provide instruction on:

1. Skills for coping with social change;
2. Knowledge of the human body and the means to maintain lifelong health;
3. Appreciation of artistic and creative expression and the capacity for self-expression;
4. The ability to construct personal ethics and goals;
5. Morality and social responsibility, including family living and values such as justice, moderation, temperance, frugality, and virtue;
6. Highway safety, including the effects of alcohol and prescription drugs;
7. Suicide prevention, including emotional development, decision-making skills, and awareness of community resources;
8. How to recognize, avoid, and respond to abusive or harmful situations, including child abuse, sexual abuse, and child enticement.§

Local school boards in Wisconsin retain control and have the discretion to decide how they will fulfill these instructional requirements.¶

* Wisconsin Department of Public Instruction, *Social Emotional Learning: What is SEL?* (available at: <https://dpi.wi.gov/sspw/mental-health/social-emotional-learning#:~:text=The%20Wisconsin%20Department%20of%20Public,feel%20and%20show%20empathy%20for>).

† Wis. Stat. § 118.01(2)(d).

‡ Wisconsin Department of Public Instruction, *Social Emotional Learning Competencies*, May 17, 2018 (<https://dpi.wi.gov/sites/default/files/imce/sspw/SEL-Competencies-Guide-web.pdf>).

§ Wis. Stat. § 118.01(2)(d)1–8.

¶ Wis. Stat. § 118.01(1).

SEL Screenings: Emotional Data Collection without Parental Consent?

Many schools administer SEL screeners, which are questionnaires that ask students about their emotions, thoughts, relationships, or behaviors.* These tools are sometimes given without parental knowledge or consent. Examples include questions about, whether a student feels safe at home or school, how often they feel sad, angry, or anxious, and whether they identify as “transgender” or “non-binary” and about their sexual orientation.†

Defending Education has flagged SEL screeners as psychological assessments that can cross legal lines, especially under federal law (PPRA), which gives parents the right to opt their child out of surveys that probe beliefs, feelings, or family information.

When “Support” Crosses into Therapy

Schools that implement a SEL curriculum often use a Multi-Tiered System of Supports (MTSS) framework.‡

1. Tier I: Universal SEL instruction and practices for all students.
2. Tier II: Targeted supports for students who are not responding to Tier I interventions.
3. Tier III: Intensive, individualized interventions for students who exhibit significant emotional or behavioral concerns.§

Depending on the nature of Tier II or Tier III interventions, they may begin to resemble—or cross the line into—therapeutic services.¶

If the interventions delivered to students fall within the scope of “counseling,” “management of mental and emotional disorders,” or “social work,” they must be administered by a licensed professional. If your student is receiving Tier II or Tier III interventions, it is imperative that the staff providing those interventions are properly credentialed and operating within the bounds of state law.

* See https://defendinged.org/wp-content/uploads/2021/09/Panorama-Education_Fairfax-County-Public-Schools_2021_SEL-Screener-Gr3to12-Questions-English.pdf; see also https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/SEL_Competence_Assessment_and_Social_Emotional_and_Behavioral_SEB_Assessment.pdf.

† <https://nbcmontana.com/news/nation-world/7th-graders-asked-if-they-are-trans-non-binary-or-gay-in-survey-about-drug-awareness>

‡ See, e.g., <https://mtss4success.org/special-topics/social-emotional-learning>.

§ Sam DeFlitch, *MTSS Tiers: Tier 1, 2, and 3 Explained*, Panorama Education (available at: <https://www.panoramaed.com/blog/mtss-tiers-tier-1-2-and-3-explained>).

¶ Under Wisconsin law, individuals may not engage in the practice of psychology or related mental health services without a valid license. This includes providing counseling, managing mental or emotional disorders or disabilities, and performing social work. Wis. Stat. §§ 455.02(1m)(a), 455.01(5)(a), 118.19(10)(b) and (c); See also Wis. Admin. MPSW § 20.02.

Questions to Ask Your School about SEL

Defending Education has a resource* containing questions to ask about SEL including:

1. What is SEL? How do you define it? What is the purpose at this school?
2. What evidence is there that SEL is necessary?
3. Is the SEL program meant to positively influence academics? If so, how?
4. What are some examples of school districts that have implemented SEL that have had a positive impact on proficiency rates?
5. What's the budget for SEL?
6. More questions are available [here](#).†

Can Parents Opt Out of SEL?

Yes. Wisconsin parents have several legal rights to opt their children out of SEL instruction or screenings. Under the federal Protection of Pupil Rights Amendment (PPRA), parents must be notified and given the opportunity to opt out of any survey, analysis, or evaluation that reveals sensitive personal information in certain categories. This applies to many SEL screeners, which often ask intrusive or emotionally charged questions. [PPRA guide](#)

In Wisconsin, state law also gives parents the right to opt their child out of human growth and development instruction, and schools must notify parents and provide access to curriculum materials. [HGD opt out letter template](#)

In addition, the decision by the U.S. Supreme Court in *Mahmoud v. Taylor* confirmed that parents have a constitutional right to opt their children out of instruction that conflicts with their religious beliefs. [Mahmoud explainer](#) and [opt-out form](#)

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* *Questions to ask your school about Social Emotional Learning*, Defending Education (available at: <https://defendinged.org/resources/questions-to-ask-your-school-about-social-emotional-learning/>).

† *Id.*

TEMPLATES & FORMS

TEMPLATE / FORM #1

PARENT RELIGIOUS OPT-OUT REQUEST FORM

BASED ON MAHMOUD V. TAYLOR

This opt-out request is based on the U.S. Supreme Court's June 2025 decision in *Mahmoud v. Taylor*, which affirmed parents' constitutional right to excuse their children from public school instruction that conflicts with their religious beliefs. This form is a parent opt-out request to the school and documents the basis for that request.

Student Name: _____

Grade: _____

School: _____

Date: _____

Parent/Guardian Name: _____

Phone Number: _____

Email Address: _____

Content from which Opt-Out is Requested:



Gender Ideology and Pride-Themed Instruction or Events

Instructional content or school-sponsored activities (such as "Pride" celebrations) that present gender identity as fluid, socially constructed, or disconnected from biological sex, affirm nonbinary or transgender identities as objective truth, or promote LGBTQ+ identities in ways that conflict with our family's religious beliefs about sex, gender, and human identity.



Sex Education

Instruction or materials addressing human sexuality, sexual behavior, sexual orientation, or relationships in ways that encourage students to discuss or affirm such matters, particularly where such content is presented outside of a formal, age-appropriate health curriculum and conflicts with our family's religious beliefs regarding sexuality and personal boundaries.

**Race Instruction**

Instructional content or activities that treat individuals or racial groups differently based on race or ethnicity. This would include instruction or activities teaching that some races are privileged or disadvantaged because of their race; that America is an inherently racist country founded on racist principles; that individuals should experience guilt or discomfort because of their race; that different races have inherent or fixed traits or shared experiences because of their race; that racial groups should be treated “equitably” to make up for past discrimination; or that all racial disparities among groups are the result of past discrimination against those groups. These theories are contrary to our religious beliefs and human dignity and equality.

**Religious Rituals or Practices**

Activities involving meditation, chanting, prayer, movement practices like yoga, whirling, or Tai Chi, spiritual practices, or participation in rituals from religions or belief systems not our own.

**Surveys and Questionnaires**

Any student surveys, evaluations, or questionnaires—especially those addressing sexuality, mental health, family relationships, or religious beliefs—administered without prior parental review and consent, as protected under the Protection of Pupil Rights Amendment (PPRA).

**Mandated Use of Preferred Pronouns**

Policies or classroom practices that require students to use pronouns or affirm gender identities inconsistent with our religious beliefs, particularly when based on district-endorsed views about gender that conflict with our understanding of biological sex and scriptural truth.

**Gender Identity Policies**

I do not consent to the implementation of any policy—formal or informal—that requires or permits school personnel to address my child using a name or pronouns inconsistent with my child’s biological sex, unless I have been informed in advance and have given my express written consent.

**Other:**

Basis for Opt-Out:

I request that my child be excused from the above-described instruction or activity due to sincerely held religious beliefs that conflict with the content, consistent with parental rights affirmed by the U.S. Supreme Court on June 27, 2025, in *Mahmoud v. Taylor*.

I understand such books may be available in the school or classroom library, and I do not request their removal. However, I am opting out of having these books recommended, promoted, or personally offered to my child by school personnel.

Request for Alternative Assignment:

When applicable, I request that the school provide my child with reasonable alternative work or assignments that align with the learning objectives without conflicting with our religious beliefs.

Request for Advance Notice:

When applicable, I request to receive advance notice each time my child will be removed from content or activities due to this opt-out request, particularly when the school's response may involve removal from the classroom or an alternative assignment.

Signature of Parent/Guardian: _____

Date: _____

TEMPLATE / FORM #2

OPT OUT FORM FOR HUMAN GROWTH AND DEVELOPMENT CURRICULUM (WISCONSIN)

State law identifies specific subject matters that are part of Human Growth and Development instruction. See, Wis. Stat. 118.019(2) and (2m). Further, under state law, parent(s)/guardian(s) are permitted to opt their children out of any and all Human Growth and Development instruction adopted by the school district. See Wis. Stat. 118.019(4).

I am notifying _____ (school principal) and _____ (teacher) that I do not want my child to participate in any class or instruction that has been adopted by the school district or included by a teacher on any subject identified in Human Growth and Development instruction as defined in Wis. Stat. 118.019(2) or (2m). This applies both to any class focused on Human Growth and Development instruction (which I am opting my child out of for the entire class no matter what subject is being covered on a particular day) and any instruction on those subjects provided in any other class my child attends.

As my child's parent/guardian, I have the right to direct the upbringing of my child, including their education. State law specifically recognizes my right to opt my child entirely out of any class focused on Human Growth and Development instruction and to opt out of Human Growth and Development instruction in any other course, and I am opting my child out of both.

Student Name: _____

Parent/Guardian Name: _____

Parent/Guardian Signature: _____

Date: _____

TEMPLATE / FORM #3

SAMPLE PUBLIC RECORDS REQUEST TO A WISCONSIN SCHOOL DISTRICT

Dear [Name of Records Custodian or Administrator],

I am sending you this request pursuant to Wisconsin's open records law (Wis. Stat. § 19.31 et seq.), I am requesting the following records maintained by [NAME OF SCHOOL DISTRICT]:

[LIST WITH SPECIFICITY THE TYPES OF DOCUMENTS OR CATEGORIES OF INFORMATION SOUGHT. For example: "Copies of all emails sent or received by the superintendent between January 1, 2024 and June 30, 2024, that contain the terms 'social-emotional learning' or 'SEL.'"]

Under Wisconsin law, a "record" includes not only paper documents but also electronic files such as emails, data, and social media content. The law requires that records be provided with a presumption of complete public access and that denial is only allowed in exceptional cases. Wis. Stat. § 19.31. If you deny this request, the law requires you to do so in writing and state what part of the law you believe entitles you to deny this request. Wis. Stat. § 19.35(4)(a).

I would like the records in [ELECTRONIC/HARD COPY] format. The law provides that you may charge for the "actual, necessary, and direct" cost of locating records if the total exceeds \$50. Wis. Stat. § 19.35(3)(c). Please advise me before processing this request if there will be a cost to locate [and make copies of responsive records] that exceeds [DOLLAR AMOUNT]. As you know, under Wis. Stat. § 19.35(3)(h)6, location fees must be based on the hourly rate of the lowest-paid employee capable of locating the records, regardless of who actually performs the task. For reference, the Office of Open Government has clarified this requirement in its 2018 advisory on charging fees under the public records law: Wisconsin Attorney General, *Office of Open Government Advisory: Charging Fees under the Wisconsin Public Records Law*, August 8, 2018 (available at: <https://danecotowns.net/wp-content/uploads/2018/10/Atty-General-Advisory-re-Records-Fees-8.8.18.pdf>).

Please respond to this request "as soon as practicable and without delay." Wis. Stat. § 19.35(4)(a). If you are not the records custodian for this information, please forward this request to the appropriate person.

Please contact me by email at [EMAIL ADDRESS] if you have questions about this request.

[NAME]

A woman with curly hair is reading a book in a library. The background shows bookshelves filled with books. The entire image has a blue tint.

PARENTAL
TOOLKIT

BOOK LIST FOR PARENTS

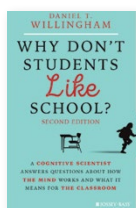
7 BOOKS TO HELP PARENTS UNDERSTAND EDUCATION

BY DANIEL BUCK

*Research Fellow at the American Enterprise Institute and
Director of the Conservative Education Reform Network (CERN)*

Whether it be at a parent-teacher conference or in Congress, to advocate for change in any institution requires thorough knowledge of it. Understood so, it's imperative that parents, not just teachers, read books about education. Below are a handful of great places to start your study.

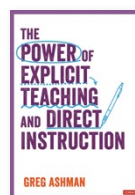
For Instruction Geeks



Why Don't Students Like School?

By Daniel Willingham

In the past few decades, humanity's understanding of our own cognitive architecture has advanced rapidly. Willingham's book is a brisk, readable primer on what we know.

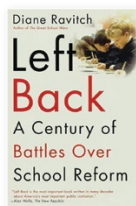


The Power of Explicit Teaching and Direct Instruction

By Greg Ashman

A short, accessible read that covers both instructional best practices and the differences between rigorous and junk educational science.

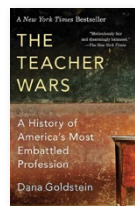
For Historians



Left Back: A Century of Battles Over School Reform

By Diane Ravitch

A good (if long) single volume that covers both the history of education and the policy debates that belabor it generation after generation.

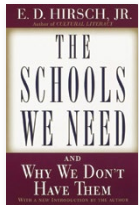


Teacher War

By Dana Goldstein

This book assumes the inherent good of labor unions and public education, but the history in it is impeccable regardless of the author's biases.

For the Ambitious

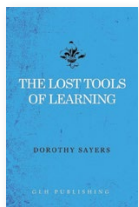


The Schools We Need

By E.D. Hirsch

Chock full of philosophy, history, and research, no other single book so well covers what ails American schools and what needs to be done to improve them.

For the Erudite

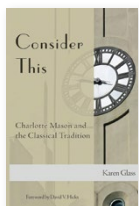


Lost Tools of Learning

By Dorothy Sayers

Classical education is exploding in popularity. Just an essay, Lost Tools of Learning is the best introduction for the curious.

For the Homeschooling Curious



Consider This

By Karen Glass

An introduction to the thought of one of homeschooling's luminaries, Charlotte Mason.





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