

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](#)

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

† *Id.*