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**\*LEGAL ALERT\***

TO: ALL PARENTS OF CHILDREN IN PUBLIC SCHOOLS

FROM: WISCONSIN INSTITUTE FOR LAW & LIBERTY

DATE: MARCH 3, 2026

RE: SECRET GENDER TRANSITION POLICIES

On March 2, 2026, the United States Supreme Court issued a major victory for parents' rights and against secret gender transition policies by allowing a lower court's injunction to remain in effect. These policies—also known as “gender support plans”—permit or even require school employees to affirm students who wish to change their names and pronouns at school and withhold or conceal such changes from parents.

**What does a secret gender transition policy look like?** In 2020, WILL filed the first lawsuit ever against a secret gender transition policy in Madison, Wisconsin.<sup>1</sup> These policies may include one or more of the following elements:

1. Students may change names/pronouns at school without parental notice or consent.
2. District employees may not notify parents without the child's consent that their child has or wants to change gender identity, or that their child is experiencing gender dysphoria.
3. District employees may or must deceive parents by using the child's legal name and pronouns with family, while using different names and pronouns at school.
4. District employees may or must give resources to students, even legal resources allowing them to fill out documents to change their legal name or medical resources to be treated by doctors without parental consent or knowledge.
5. District employees mark gender plan documents as “confidential” and keep those documents separate from the student's official record.<sup>2</sup>

**Does my district have a secret gender transition policy?** According to Defending Education, at least 12 million students nationwide are covered by secret gender transition policies.<sup>3</sup> This includes over 1,200 school districts and 21,000 individual schools.

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<sup>1</sup> Details on this case are available here: <https://will-law.org/doe-v-mmsd/>.

<sup>2</sup> WILL's complaint against this policy is available here: <https://will-law.org/will-files-parental-rights-complaint-against-milwaukee-public-schools/>.

<sup>3</sup> This resource is available here: <https://defendinged.org/investigations/list-of-school-district-transgender-gender-nonconforming-student-policies/>.

Unfortunately, the number may be much higher. Some school districts do not publicize their policies, and in some cases, an individual school principal or teacher may be using their own policy for a specific building, grade, or classroom.

### **What should I do right now?**

1. Opt out your child from any secret gender transition policy. You can use WILL's free resource here: [will-law.org/optout/](https://will-law.org/optout/).
2. If you're not sure whether your school has a secret gender transition policy, request any records that indicate teachers or other school staff are required to engage in any of the elements of a secret gender transition policy listed above.
3. Demand that your school board withdraw its secret gender transition policy if it has one.
4. Ask your school board to adopt WILL's model policy on gender identity and parental notification.<sup>4</sup>
5. Consider enforcing your legal rights in court. The Supreme Court clarified that parents who object to nondisclosure policies likely have standing to challenge them in court. Parents could pursue damages and attorney fees against a school district and potentially its employees.

**WILL Resources.** WILL is a nationwide resource for school districts and parents. As a public-interest law firm, WILL filed the first lawsuit in the country against secret gender transition plans in 2020.<sup>5</sup> And in 2023, WILL obtained the first ruling in the country declaring that secret gender transition plans are unconstitutional.<sup>6</sup>

You may use any of WILL's resources, available here: <https://will-law.org/parents/>.

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<sup>4</sup> This policy is available at this link: <https://will-law.org/wp-content/uploads/2024/04/ModelPolicies-2ndEdition-Chapter-32.pdf>.

<sup>5</sup> Case page, *Doe v. MMSD*, available here: <https://will-law.org/doe-v-mmsd/>.

<sup>6</sup> Case page, *T.F. v. Kettle Moraine*, available here: <https://will-law.org/b-f-v-kettle-moraine-school-district/>.