



**WISCONSIN FAMILY ACTION**  
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**TESTIMONY IN SUPPORT OF ASSEMBLY BILL 963**  
**ASSEMBLY COMMITTEE ON EDUCATION**  
**THURSDAY, FEBRUARY 10, 2022**  
**JULAINE K. APPLING, PRESIDENT**

Thank you, Chairman Thiesfeldt and committee members, for the opportunity to testify on Assembly Bill 963. I am Julaine Appling, president of Wisconsin Family Action. Wisconsin Family Action supports this bill.

This bill deserves some historical context because the idea of a bill deemed a parents' bill of rights should give most citizens pause. We should all be asking, "Why is this bill necessary?" Followed by, "Of course parents have rights related to their children. After all, children belong to parents. It is the responsibility of parents, not anyone else, to rear their children, to make important decisions for them, to care for them, to know anything and everything that concerns them."

That's the self-talk and the across-the-backyard-fence talk that should be happening upon hearing about this bill. To be blunt, a bill of this nature should not be necessary in Wisconsin or anywhere else in this country. And yet, in recent years a number of states have enacted laws similar to the provisions in AB 963. Talk of a federal parents' bill of rights is ramping up.

We assert that parents absolutely have every right enumerated in this bill—and even more importantly, as this bill appropriately states: "A parent of a child in this state has inalienable rights that are more comprehensive than those listed in this section, unless such rights have been legally waived or terminated" (p. 5, ll, 8-10).

"Inalienable rights" – defined legally as rights that "are not transferable or capable of being taken away or nullified." Our Declaration of Independence speaks of "inalienable rights": "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights...." This founding document actually acknowledges the source for "inalienable rights": our Creator, who is, as the founders would acknowledge, God. Frankly, their source is what makes "inalienable rights" inalienable. Because government doesn't create or bestow these rights, government cannot revoke or transfer them.

When the Declaration was written and 100 years later when the US Constitution was signed and ultimately ratified, parents having rights—inalienable rights—when it came to their children was considered to be "self-evident." That's why the Constitution doesn't spell out any parents' rights. Our founders couldn't imagine that a bill of this nature would ever be necessary.

But the times, they have definitely changed—and today, sadly, maybe even tragically, we need to specifically codify certain rights parents have. Assembly Bill 963 does that with the 15 delineations it contains. Why these 15? Because we have seen multiple times and places where the state and/or its agents have abused their power and encroached on these rights of parents when it comes to their children. You can go down the list on pages 3 and 4 and most of us can immediately recall recent incidents where egregious wrongs were done to parents and their children in each cited right—whether regarding a child's education, medical care, or mental health.

Children are not wards of the state or any of its agents. But time and again, the state and its agents are acting as if they have territorial, legal rights that trump those of parents. This bill is designed to make sure these entities and agents, as well as the courts, are very clear about where the right to decide for and know about children rests—and it is with parents.

This bill has been introduced as a part of a package of education bills, and I believe that is appropriate given that several of the delineated rights have to do with education.

Horror stories abound today about how schools, for instance, have withheld critically important information from parents about what is happening with their child at school. Some schools even have policies informing school personnel that it is fine (even expected) to lie to parents in some instances. Fortunately, our friends at Wisconsin Institute for Law and Liberty are suing a couple of these schools on behalf of aggrieved parents—and I hope these lawsuits prevail and cause other schools in this state to closely examine their policies and practices.

I am sure lawyers can site numerous court decisions and pertinent case law that show specific rights of parents being recognized and protected. In light of that, some might argue this bill is unnecessary. We disagree. Spelling out certain rights to make it abundantly clear about the limitations of the state and any of its agents is necessary for all the reasons I've just mentioned and more. Clarifying the legal standard by which to assess whether parents' rights have been abrogated and creating a cause of action for parents is imperative. This is prudential law. No parent should be left defenseless when government tries to strip them of their right to decide what is best for their child. This parental rights bill creates a balancing test that directs judges to take seriously in court every parent's right to determine what is best for their child.

One aspect of the bill that I've already mentioned bears repeating, and that is that parents retain other inalienable rights that are not stated in this bill. If there were time, I would discuss more in depth how this relates to the little-understood and little-invoked Ninth Amendment of our US Constitution, which says, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." This amendment should be invoked and language such as is included in AB 963 should be included more and more as we see our self-evident, Creator-endowed, inalienable rights stripped away by every level of government—including the rights of parents to bring up their children.

We urge the committee to support AB 963 and move it to the full Assembly expediently.

Thank you for your time today and for your careful consideration of our position on this bill.

February 10, 2022

Dear Chairman Thiesfeldt and Members of the Assembly Education Committee,

My name is Andy Miller. I am a father of 5, residing in Milwaukee county. I believe strongly in the potential of every child and that their potential is fostered through education. I have therefore devoted my entire career to eradicating barriers to student achievement by partnering with those who share in my belief of our talented future.

Dr. Laurie Schreiner, in defining a 'Thriving' campus, notes that it takes a village to help a student succeed. That village is comprised of other teachers, administrators, community members, legislative and government leaders... and parents. Contemporary literature is replete with evidence of the import of parental involvement. When I served on admission appeals and academic appeal boards, one of the most prominent questions was to understand a student's family support structure, because parental support is tantamount to student success. The role of parents in their students' success is incontestable and has therefore been written into legislative action of the past 50 years. When the Federal Educational Rights and Privacy act was passed, Senators Buckley and Pell authored a critical amendment that emphasized the need for parents to have access to their students' educational records, citing the parents' prerogative to protect their children's interests. Yet, over the past year and a half, academic administrators and educational bureaucrats have not acted in good faith and have been downright dismissive of the input of parents in their children's well-being. Last year, for instance, these administrators had every opportunity to engage parents, health practitioners, and educational expert throughout the summer to devise a plan that met the holistic set of children's needs. Instead, they held meetings in secret, reversed policy decisions at the 11th hour, based on narrowly focused purposes, and gave no opportunity for parental partnership or recourse. This eroded trust, not just in the decisions being made, but in the educational leadership at large. These actions did not embrace diversity of views, did not strengthen the educational environment, and ignored the basic tenets of Structured Democratic Voice -- a cornerstone of accountability in education. Where accountability is not about micromanagement but rather is the epitome of collaboration.

I am an educator by trade, serving as an instructor, an administrator, and now as an Educational Consultant. I earned both my Master's and Doctorate in academic administration and so have an expertise in student success and understand the academic consequence of the COVID policies implemented. Yet, when I raised questions and concerns about these decisions--let alone the process by which it was made--communication was shut down, there was no desire to find common ground, and the only recourse we had was to transfer. "If you feel so strongly, I wouldn't blame you for enrolling elsewhere" I was told. Rip my kids from their friends just days before the school year, thrust incredible academic adversity upon them, and start again, because there was no longer respect for this partnership? Really, is this the best our education system has to offer? This story played out for my wife and I, just as it had for many of our neighbors and fellow Wisconsinites, and it's unconscionable.

So while this bill should not be necessary, it most certainly is now. This bill reaffirms the rights of parents as critical stakeholders in the education system. My role and the necessity of my voice in decisions that impact my children is not a product of my education and experience, but rather by the

simple virtue of being their parent. We recently welcomed our fifth child to the world, and when medical decisions were needed, the doctors and nurses didn't deprive my wife and I of our parental right to decide. They didn't play the 'expert card' and decide for us, they provided us with reasonable and balanced information, then honored our wishes. It is unfathomable that in a school setting, medical decisions that fundamentally impacted children were dictated to parents by educators, with shadow panels of "experts", and any dissent was swiftly condescended because we were not medical experts. This bill reestablishes the preeminence of parents in medical decisions for their children.

On an educational level, when the pandemic forced schools to pivot to full-remote delivery, parents were thrust into the role of instructor, and many were able to review instructional materials for the first time. Irrespective of their perceptions or understanding of theories underlying the curriculum, the education system relied upon parents. Yet now, when parents who are more informed begin asking questions about the content of curriculum - school board meetings are shut down because the boards did not want to engage angry parents. Anger is the language of the unheard and listening to their frustration is the price you pay as a leader when you fail to engage in meaningful dialogue. This bill reaffirms that school boards must be responsive to a diversity of thought, in the exact same manner as you all have allowed me to submit testimony and you subsequently consider it with an open mind.

I was raised with the notion that the solution to any problem is never "the government should..." but that view has evolved, because it is the role of the government, being responsive to the governed, to protect the fundamental liberties of their constituents. This bill does precisely that. For those of you who disagree with my description of events from the past 18 months or are comfortable with the notion that the ends justified those means, I'd ask you to channel your empathy and consider the situation if reversed. Would you relinquish your parental rights and subject your children to my wishes, simply because I'm an expert? Would you joyfully accept the edicts of myself and my peers, especially if you disagreed with me, when we failed to engage you in policy decisions? Would you rip your kids from their school and their friends, and start fresh, because I was unwilling to work with you in the best interest of your children? I should hope not. So there is but one choice - to vote in favor of Assembly Bill 963 and thereby reaffirm the need for a robust partnership between legislators, educators, and parents to collaboratively bolster the future for our talented progeny.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Andy Miller". The signature is fluid and cursive, with a large initial "A" and "M".

Andy Miller

<https://www.linkedin.com/in/miller-andy/>

February 10, 2022

Chairman Thiesfeldt and members of the Assembly Committee on Education,

Thank you for taking the time to read about what happened to me, which has caused me to believe that Wisconsin needs Assembly Bill 963, a Parent Bill of Rights to protect parents against school districts across the state.

During the 2020-2021 school year, my 12-year-old daughter attended 6<sup>th</sup> grade at Kettle Moraine Middle School. As much as I would like to say that she was looking forward to a new school, she was struggling mentally due to the isolation from online learning during her 5<sup>th</sup> grade year and her fear of entering middle school. Shortly after school started, she asked if I could find her a therapist to talk about the anxiety and depression she was having. After several attempts to find therapists in the area, I found that there were waiting lists for up to two months due to the increase in need during the pandemic. I then reached out to the school counselor to make the school aware of what was going on with her and to see if they knew of any therapist in the area that might have openings.

While waiting for additional information from the school about available therapy, things got much worse. One mid-December evening my daughter asked to go to inpatient care. She said she was struggling with wanting to end her life and that she wasn't sure she was a girl. I told her that I would call right away in the morning and asked if she wanted to tell me why she didn't feel like a girl. She said that she didn't know, but that a teachers aid at school told her that if she wanted to change her name and pronouns at school she only needed to go to the office and fill out some paperwork. My daughter said that she didn't want to do that without me knowing, and the aid told her to go home and discuss it with me.

The next day I admitted her to a mental health facility where she remained inpatient for 8 days and in an intensive outpatient program for a month. During this time, I reached out to the school about my frustration with the lack of communication from them and to find out why school staff was telling her she could change her name and pronouns without me being involved. I then reached out to the counselor and informed her what was going on with my daughter and to have health information released to the school from the mental health facility.

Once released from inpatient care, she insisted she was a boy and decided on a new name. We discussed this as a family and decided to learn more about gender dysphoria before making a decision about a transition at school. While we were learning more about this, my daughter reached out to the staff and let them know of her wishes.

During the four weeks of researching, I learned a lot that raised concerns for my daughter's overall health, while both the school and the mental health professionals were telling me that social transition is not a big thing. Research and opinions from far more credible sources who have been practicing in the field said something completely different. It could have long term consequences should this not be the right decision for her. Because my daughter experienced Rapid Onset Gender Dysphoria, not having any history struggling with her gender, allowing a social transition could hurt more than help her in healing her mental health struggles. After doing research, I informed the school that I wanted staff to refer to my daughter with her birth name and female pronouns. I let both the principle and counselor know that my family would address my daughter's mental health and keep them in the loop, but we

were choosing not to follow the affirmative care model. The principle then informed me that there were staff members that were in support of the change and wanted to honor my daughter's wishes. I let him know that while I appreciated that, my expectation was that all staff would follow the medical treatment her parents have chosen. But the principal informed me that the district's policy was to follow the wishes of my minor child, rather than her parents. I informed the principle she would no longer be attending the district if they refused to follow the approach we chose for our daughter.

I also decided to remove social pressures on this topic. I took all social media away for a time, while finding her a therapist that would be willing to address her underlying comorbidities of depression, anxiety, low self-worth, and feelings to cause harm to herself. In the three weeks of being removed from social media and the district, her demeanor completely changed. She shared with me that the practice of affirmative care "really messed her up." She was told that because I was questioning her choices, I was not a loving parent but rather an obstacle for her to overcome in her transgender journey. The school further enforced this in her mind because they were willing to dismiss the medical care I wanted for my child and go with the affirmative care model being practiced by some today. Since the whole ordeal, we found my daughter a therapist that works with her on her underlying issues and she is now comfortable in her birth sex and has not felt a need to change her name or pronouns.

Had the Parents Bill of Rights already been passed in Wisconsin when I was experiencing this in the Kettle Moraine School District, the medical treatment of my child would not have been challenged by my school district, she would still be attending the school district she was in since 5K, and my family would have more confidence in the current public education system.

*Testimony submitted by anonymous Wisconsin parent and Wisconsin Institute for Law & Liberty client*



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February 10, 2022

Chairman Thiesfeldt and members of the Assembly Committee on Education,

Thank you for the opportunity to testify today on Assembly Bill 963, the parent bill of rights legislation introduced by Rep. Gundrum and Sen. Darling. My name is Libby Sobic and I am an attorney and Director of Education Policy at the Wisconsin Institute Law & Liberty. WILL is a non-profit law and policy organization. Over the last several years, we have represented public school parents as they navigated their public-school administrations while fighting for the best interests of their children.

AB 963 addresses specific obstacles that public-school parents navigate daily. In response to these challenges, this bill creates a statutory and legal right for parents and guardians to make the best decisions for their individual child and their education.

In support of this legislation, my testimony today will be broken into two sections. The first will address specific provisions of the bill with examples of issues from when WILL has either represented a public-school parent or issues that have been publicized by the media. The second half of my testimony will discuss the impact of this legislation; specifically, how it empowers parents and taxpayers.

1) **AB 963 is a response to Wisconsin parents' experiences with the public-school system.**

Unfortunately, local public schools have established policies and procedures that undermine Wisconsin's parental rights to make decisions about their child's education, healthcare and overall welfare. AB 963 is a response to specific concerns raised by Wisconsin parents, including:

*The right to determine the names and pronouns used for the child while at school*

WILL has two active lawsuits representing public-school parents against the Madison Metropolitan School District and Kettle Moraine School District regarding the districts' policies regarding gender pronouns and student nicknames. Both districts, as well as others across the state, have a policy that requires teachers and school administrators to treat children as though they are the opposite sex while they are at school by using any name and pronouns they want, without parental notice or consent, and even if the parents disagree. In addition to our clients, we've been contacted by at least three more parents from around the state with children who have secretly transitioned at school without their knowledge or consent.



Included in my testimony today is a letter from our client, a mom whose daughter attended Kettle Moraine School District and was subjected to this harmful policy.<sup>1</sup>

These policies are harmful to our clients' children and all public-school children. Many experts in this area believe that transitioning to a different name and pronouns during childhood, when reinforced by respected adults, can become self-reinforcing and do long-term harm. Gender dysphoria is also a serious medical condition. If a child is experiencing gender dysphoria, they need access to medical care and psychotherapy support that cannot be provided within the public-school systems. To withhold this information from parents is without a doubt harmful to the overall wellbeing of the child because it may delay access to critical medical care that is needed.

AB 963 ensures that schools will defer to parents on this serious issue, and that parents will no longer be kept in the dark about important medical decisions regarding their child.

*The right to review educational materials and access to learning materials*

This legislation empowers parents to have access to the learning materials used in the education of their child. Parents have this right under the state's public records laws and the pupil rights amendment, a federal law. However, there has been news story after story about parents attempting to get information from their local school districts without avail due to barriers such as long delays or expensive fees. Other parents have been denied access by their district.

For example, Fox6 News Milwaukee covered this issue in April 2021 and interviewed parents attempting to get information from their children's' public schools.<sup>2</sup> Specifically, the Waukesha parent submitted a public records request to the district about student performance data, such as hours of absences and average GPA, etc. But the district asked for over \$500 to cover location fees.

WILL faced similar challenges when submitting records for classroom materials. When WILL submitted narrowly tailored requests for key terms for two high-school classes at districts across the state, fees ranged from \$351 (from Appleton Area School District) to over \$10,000 (from Madison Metropolitan).<sup>3</sup> Even worse, some districts, like Sheboygan Area School District, never responded to our public records request. Classroom materials should not be inaccessible due to high fees or districts ignoring public records laws.

This legislation ensures that parents have access to materials related to their child's learning. This provides vital access as parents engage with their child's teachers and school administrators.

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<sup>1</sup> See attached testimony from our client in *B.F. v. Kettle Moraine School District*. The family sought professional and medical support for her, and after extensive research, decided that immediately transitioning would not be in her best interest. But the Kettle Moraine School District refused to honor their decision. The principal informed them that it was district policy that if their daughter returned to school, school staff would refer to her using whatever name and pronouns she wanted while at school, even over her parents' objection.

<sup>2</sup> Fox 6 News, April 22, 2021, "So you want information about your child's school; got \$500?" <https://www.fox6now.com/news/so-you-want-information-about-your-childs-school-got-500>

<sup>3</sup> Opening the Schoolhouse Door, WILL Report, [https://will-law.org/wp-content/uploads/2021/05/OpeningTheSchoolhouseDoor\\_FINAL.pdf](https://will-law.org/wp-content/uploads/2021/05/OpeningTheSchoolhouseDoor_FINAL.pdf)





### *Right to be notified about surveys to students*

AB 963 also puts some existing federal rights into state law for public-school parents. This is important because there have been recent examples of districts violating parents' federal rights.

Federal law protects students from being required to participate in any sort of "survey, analysis, or evaluation" that divulges information concerning, among other things, political affiliations or beliefs of the student or the student's parent; legally recognized privileged relationships, such as that between a physician and a patient; and religious practices, affiliations, or beliefs of the student or student's parent." 20 U.S.C. § 1232h(b)(1), (6), (7). Federal law also requires that any survey on these otherwise-prohibited subjects require prior parental notice and consent. 20 U.S.C. § 1232h(c)(2)(C)(ii)

In August 2021, WILL sent a letter<sup>4</sup> to Milwaukee Public Schools when a parent shared that a geometry teacher at Rufus King High School issued a survey on the first day of classes asking students about their vaccination status and requiring that those who were not vaccinated provide the teachers with reasons why they were not. Neither the teacher nor the school complied with federal law when issuing this survey to high-school students. AB 963 includes a provision that will ensure that public schools are following federal law and providing important advanced notice to parents.

### *The right to opt-out and be notified about educational topics*

In Wisconsin, as well as other states across the country, parents have been leading the discussion about curriculum and parents' concerns about age-appropriate material used in the classroom. This legislation does not require the removal of controversial curriculum. Rather this legislation provides parents with options to decide their own child's educational experience and learning materials based on whether that material violates the parent's religious or personal convictions.

Existing law gives parents a limited ability to opt their child out of some requirements. Specifically, parents may opt-out of human growth and development courses and state-manded assessments. Districts may have an additional policy that allows parents to opt-out of classes but that is not a consistent policy across the state. AB 963 provides all parents access to information about what is being taught in the classroom and the ability to decide whether it is appropriate for their child in accordance with their beliefs.

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<sup>4</sup> WILL letter to Milwaukee Public Schools regarding survey, August 27, 2021, <https://will-law.org/wp-content/uploads/2021/08/2021-08-27-Letter-to-MPS-re-vaccination-quiz-FINAL.pdf>



*The right to visit the child at school during school hours, consistent with school policy*

WILL represented a parent who wanted to visit her child's classroom at Kenosha School of Technology Enhanced Curriculum in September 2021. Her son was struggling academically and telling his mother of disruptive behavior in the classroom. In an attempt to better understand her son's experience and struggles, she made a request to visit the classroom consistent with school board policy and federal law. But after several requests to observe her son's classroom in person, the district continued to deny our client. Only after months of repeated attempts and a letter from WILL<sup>5</sup> explaining the federal law's explicit requirement for districts to have a policy for parents to "observe classroom activities" did the district permit our client access.<sup>6</sup>

This provision will ensure that school administrators are following federal law, including implementing their own policies for parents to visit the child during school hours.

*The right to engage with local school-board members*

Without a doubt, the pandemic has empowered parents to ask questions to their local districts in a way that many school boards and school administrators have never experienced before. Unfortunately, there continues to be a power struggle of sorts between districts and parents.

As school boards decide how to best engage parents and taxpayers, it is important to remember that they must remember that parents do indeed have a right to engage school-board members in the district where their child attends school. However, parents do not have the right to speak at all times or in all places. The state and districts can impose reasonable time, place and manner limitations on parent speech. This provision ensures that districts meet this requirement.

*The right to be notified about student safety and incidents of violence*

AB 963 addresses the important issue of student safety. Specifically, the legislation requires a school to notify parents about security updates, disciplinary actions taken against their child and if crimes or acts of violence occur on a school campus.

Student safety is an important topic to parents and students. We know this because a multi-year survey by University of Wisconsin-Milwaukee asks Milwaukee Public School students, among other things, about their feelings of safety across a number of different dimensions including in hallways, classrooms, bathrooms, and walking to school.<sup>7</sup> Many middle and high-school students reported that they felt "not safe" in a number of locations in and around their school.<sup>8</sup>

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<sup>5</sup> WILL letter to Kenosha Unified School District regarding access to classroom, November 3, 2021, <https://will-law.org/wp-content/uploads/2021/11/Letter-to-KUSD-re-Parental-Access-to-Classrooms-FINAL.pdf>

<sup>6</sup> WILL resolves issue with Kenosha Unified School District, November 8, 2021, <https://will-law.org/kenosha-schools-to-allow-parent-to-observe-classroom-after-will-letter/>

<sup>7</sup> Using School Climate data to Improve Milwaukee Public Schools, <https://www.udisp.com/schools>

<sup>8</sup> 2020 survey results with more than 50% of high school and middle school student responses: Audubon High School, Milwaukee High School of the Arts, and Roosevelt Middle School.



This matches the trend for MPS schools on average that students reported feeling “not safe” while at school.<sup>9</sup>

The importance of AB 963 provisions was also highlighted by a recent news reports out of Milwaukee. WISN 12 reported that the district failed to notify parents about the shooting of five individuals, including several students, outside of Rufus King High School last week.<sup>10</sup> Instead, many parents found out about the incident on the news. But this issue is not specific to just Milwaukee.

The University of Wisconsin-Milwaukee data is informative. Unfortunately, not every public-school parent has access to this sort of the information about the overall safety environment of their child’s school. Particularly in our urban schools, student safety is often a primary concern – even above things like academics. This legislation will help ensure that parents have the information they need in evaluating school safety.

**2) AB 963 creates a statutory parental right to direct the education of their child.**

This legislation creates a legal standard for state infringement on fundamental rights of parents and guardians through specific items enumerated in the bill. It also gives parents and guardians a way to hold the district accountable for their actions if the district is found to fail to meet the requirements of this legislation. As explained in my testimony, these provisions are important because districts are not meeting these requirements today.

This legislation includes protections against an individual who may attempt to use these fundamental rights in an effort to harm a child. School administrators and teachers continue to be mandated reporters for any concerns of harm towards the child and courts continue to have the power to restrict or terminate parental rights.

While the hope is that local school districts would be responsive to parents’ questions and concerns, our examples today show that all too often that is not the case. This legislation will help change the dynamic – empowering parents to know more information about their child and ensuring that the district is treating the parents as an equal partner in the education of their child.

I would be happy to answer any questions.

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Wisconsin Institute for Law & Liberty

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<sup>9</sup> 2020 survey results MPS average: MPS school average for “in the hallways at school” was 11% students reporting feeling “not safe.” MPS school average for “in the bathrooms of the school” was 15% of students reporting feeling “not safe.” MPS school average for “outside around the school” was 19% of students reporting feeling “not safe.”

<sup>10</sup> WISN 12, February 7, 2022, “Parents: District failed to properly communicate shooting outside school,” <https://www.wisn.com/article/rufus-king-parents-say-district-failed-to-properly-communicate-shooting-outside-school/39007319#>

February 10, 2022

Thank you Representative Gundrum and Senator Darling, for proposing Assembly Bill 963. Thank you all for allowing my voice to be heard through my written testimony.

I am a resident of Brookfield, WI with a child enrolled in the Elmbrook School District.

I support Assembly Bill 963 as it fosters the best interests of children at the forefront of everyone's mind when considering "The Children's Code", Chapter 48 of Wisconsin State Legislature.

AB 963 certainly is needed now in 2022 with the increasing and fast-growing complexities of our society with both schools and the medical industry attempting to control our children's values, health, and education.

In America, having, raising, and protecting children is a liberty. It is a liberty that comes with much responsibility and very few defined rights.

As the paramount goal of The Children's Code is to protect children and to preserve the unity of the family, by strengthening family life through assisting parents in fulfilling their responsibilities, a Parental Bill of Rights seems required.

#### FAMILY

Although there does not seem to be a legal definition of family, it is something that can only be defined by each individual family. However, there are 3 basic characteristics of a family unit, that each one must use to define themselves.

1. The *structure* (and roles) of its members
2. The *functions* of each individual within
3. The *synergy* that the structure and functions form

A family unit is based on traits including:

- Moral and value system
- Religious beliefs
- Traditions
- Guidance and mentorship
- Rules and regulations
- Respect for authority
- Communication and trust
- Loyalty and support

It is these family traits that allow children to learn to make decisions, control their behaviors and keep motivated to become productive adults in society.

## RIGHTS AND RESPONSIBILITIES

Legislation is in place to prompt individuals to uphold their responsibilities and to protect each citizen's rights to do so.

Although parental rights are only loosely stipulated, if at all, the stated parental responsibilities of which there are many, imply there are a fundamental set of parental rights and authorities afforded to parents.

## CHILDREN RIGHTS

Children are born with inherent rights but are helpless. They spend 18 years developing both physically and mentally until they are capable of the legal adult responsibilities that life and law will place on them. Rather than having rights, children are protected through the legally imposed responsibilities of others. Namely, their parents.

## PARENT RIGHTS

Parental rights are not well defined legally, but nonetheless have always existed. In the past, parental rights were rarely challenged. But as time progresses, so too does the boldness of those who no longer desire to live within the boundaries of our Country's foundation. Today, schools and medical industry are each attempting not to take parental responsibilities away, but rather take control of children. These attempts diminish the synergy of family by conflicting with, opposing, and/or disrupting the traits which are the core of family units.

In conclusion, I urge you to support Assembly Bill 963. As society has become more complex, it is no longer reasonable to assume all people in government, school, medical, or other institutions understand these rights to be solemn and untouchable as evidence in examples society has lately seen, with schools, physicians, Hollywood, politicians, and more, challenging parental rights and with many being found guilty of infringing on those rights.

Because of these social failings, this proposed Legislation, Assembly Bill 963, must be put in place to ensure the rights of parents are effectively protected in order to assure the best interests of children, and the sanctity of their family, can be protected.



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# RICK GUNDRUM

STATE REPRESENTATIVE • 58<sup>TH</sup> ASSEMBLY DISTRICT

## Testimony on Assembly Bill 963

Assembly Committee on Education | February 10, 2022 | Room 412 East

Chairman Thiesfeldt, Vice-Chairman Kitchens and other distinguished Members of the Assembly Committee on Education, thank you for the opportunity to testify on Assembly Bill 963. I am proud to have authored this legislation with my legislative colleague Senator Alberta Darling to address the requests of many parents to ensure that their parental rights are guaranteed.

This legislation will ensure that parents have and know their rights relating to important decisions when it comes to their children. There are precisely fifteen rights in AB 963 that are reserved to the parents without interference from the state and other government entity. These rights include matters related to religion, education, and medical care. Additionally, a guardian has all of the rights listed in AB 963, unless they are limited by law or court order.

In addition to AB 963 outlining these rights, it gives parents and guardians the opportunity to bring forward a lawsuit if their rights are violated. A parent or guardian who is successful in their claim may recover declaratory relief, injunctive relief, reasonable attorney's fees and costs, and any other appropriate relief.

When it comes raising children, parents know what is best. As state legislators, we should ensure that parents have a seat at the table when it comes to important decisions related to their children. AB 963 does the right thing by empowering parents in Wisconsin when it comes to those important decisions.

2/10/2022

To: Assembly Committee on Education

Re: Assembly Bill 963

My name is Emily Donohue and I am a resident of the Elmbrook School District and a chapter leader for The Foundation Against Intolerance and Racism (FAIR). My husband and I have three children ages 17, 19, and 21. My mother was a teacher in Willingboro and Beverly, NJ for the majority of her career. Education has always been important to my family. Many of my mom's students and families living in our community had many needs that we filled for a variety of reasons. My brother, ten years younger than I, had special needs and my mom was a strong advocate for his education. I worked hard in school and at home so my mom could focus on my brother, her school kids, and be the primary breadwinner for our family.

Darryl Davis of FAIR is known for converting over 200 clansmen to give up their robes by focusing on these five things.

We all want to:

- Be loved
- Be respected
- Be heard
- Be treated fairly
- We want the same things for our family that others want for their family

Growing up in a diverse community like Willingboro, many people chose to focus on these five things with me and my family. Others had goals that shifted their focus away from these five things. I now know that I've been looking for Pro-Human people all of my life. That is what led me to volunteer for FAIR.

I see the divisiveness of the current climate as being an obstacle for young parents. In an effort to be inclusive, we're asking color blind children to view race in every aspect of their lives. Comprehensive Sex Education is intended to be inclusive of marginalized groups, but offers no filter for age appropriateness leading to themes of pedophilia. Stereotyping of groups creates an us vs them mentality which ushers in materials we all agree are harmful for children. Meanwhile, teachers promoting scientifically proven methods of instruction like direct instruction are banned from a social media because their opinions don't align with union leaders.

Many of these agendas are pushed by large special interest groups benefiting large corporations rather than children. Our children are struggling with mental health issues because attempts to be more inclusive have been a Trojan Horse for unintended risks. Equity in Elmbrook resulted in academic decline for students with IEP's (95.77% in 2010 to 67.35% in 2019). Equity over the past 10 years has led to a decline of academic excellence, which is described in the book "Leading For Social Justice". Library books intended for marginalized groups promoted derogatory stereotypes and pedophilia. Rather than being sympathetic, school boards and school

administrators have dismissed parent and teacher concerns. Parents should be viewed as partners rather than a threat. Teachers shouldn't be afraid to advocate for their students, yet many teachers have been retaliated against for doing anything that counters the approved education narrative. Children belong to their families, not corporate special interest groups and not politicians. A parent bill of rights will help ensure future generations have access to a well-rounded, quality education and the ability to pursue the American dream we have taken for granted. Thank you.

Emily Donohue  
Brookfield, WI



February 10, 2022

To: Assembly Committee on Education

Re: Testimony in support of AB 963

Representative Thiesfeldt and fellow assembly members,

Thank you for today's hearing. I come before you today in support of assembly bill 963, and ask for your support as well. Assembly bill 963 is ultimately about protecting the parent-child relationship. Children are society's greatest and most valuable asset. We cherish our children and would do anything to keep them safe, happy and prepared for the future. The family unit is the vital building block of a free society. "We The Parents" have the duty to raise our families and are primarily responsible for what and how our children learn. It is not the government's job to raise our children, even if it wants to do so.

Having your child's school and its employees work against you as you raise your family shouldn't be allowed. Rather, schools should play a supporting role to parents as we lead in raising and educating our children. Therefore, it is of utmost importance that we understand our legal rights to effectively oversee and participate in the part of our children's education that occurs outside the home, including in government schools. Allow me to provide you with some examples of issues happening in our schools and why this bill is needed.

Item 2: The right to determine the type of school or educational setting the child attends. We must protect our private school, charter school and homeschool families. Parents have witnessed through the pandemic and virtual schooling measures, the lack of core educational building blocks occurring in our classrooms. Parents are pulling their children out of the public school systems across the state and across the country and seeking out alternatives where education is put first and parent values are not undermined. We must continue to protect these alternative paths of education.

Item 5: The right to determine the names and pronouns used for the child while at school. For this I will reference Germantown School District policy #5900, relating to transgender students. This policy states, "when reasonable under the circumstances, the District will seek to include a student's parent(s) or guardian(s) in discussions with the student that relate to the student's transgender status. As a general practice, District personnel should speak with a student to obtain the student's consent prior to discussing a student's transgender status with the student's parent(s) or guardian(s)". This policy clearly gives the discretion to the school to determine if, and when, they ultimately inform the parent of this practice at school. This is a reckless and dangerous practice, for the school to align itself as taking the moral high ground with the student and to deceive the parent.

Item 5 also pairs nicely with Item 3: the right to determine medical care for the child. Some schools across the country have taken the opportunity to provide their students with puberty blockers and/or other hormonal therapy medications, without consent from the parents. These medications carry many side effects and can cause lifelong, irreversible damage. As a medical provider myself,

schools should not be carelessly providing these medications to students. Schools do not have the proper knowledge and expertise as to how these medications work, their side effect profile, short and long-term complications, and appropriate dosing. The harm that can be inflicted onto a student from the careless use of these medications can be lifelong. These decisions should be left to the student, their parents and their primary care provider.

Items 6 & 7: The right to review instructional materials and to access any education-related information. Curriculum transparency as a whole has been a main point of concern for myself and many other parents. In my home district we have made multiple attempts to have full curriculum transparency, but have met resistance from our superintendent and former director of learning and teaching. Parents should not have to file endless FOIA requests to see the materials shown to their student. Likewise, schools must be accountable for the curriculum they are purchasing and implementing with stakeholder dollars. An example of this is the SEL materials purchased through Second Step and CASEL. SEL programs represent a fundamental shift in the role of teachers from educators to therapists and expand the reach of government into domains of the family. Some schools may use SEL programs to assume powers over students' mental health development beyond their training, expertise and authority. This is not the role of teachers, and again, this highlights the blurring of boundaries where the school is now assuming the roles and responsibilities of the parent.

Item 12: The right to engage with locally elected school board members and participate at regularly scheduled school board meetings. In Eau Claire school district, parents were locked out of a school board meeting and denied their civic rights to participate in school board meeting where their children attended. We should not be denying parents access to their elected officials who make decisions in the interest of schools and students. If school boards are not willing to engage with the constituents they represent, then who are they truly working for?

In closing, our participation in our children's education is the most critical factor in assuring school accountability under the law. This Parents' Bill of Rights provides a roadmap for parental engagement and serves as an educational resource for our participation in our children's educational experience. Thank you.

Alyssa Pollow  
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My name is Jennifer Thompson and I live in West Bend WI. I have 2 children in the West Bend School District (WBSD), ages 12 and 16. Thank you so much for this opportunity to voice my support of Bill 963.

Though you would think it goes without saying, it doesn't: Teachers are not the parents of the students they teach. A teacher, by definition, according to the Oxford dictionary is, "a person who teaches." No where in that definition does it state that a teacher gets to decide what religion my children are, what pronouns my children use, or what medical care my child gets. A teacher teaches math, science, social studies and more educational classes. By no means am I saying a teacher can not love their students. That obviously is bound to happen when spending so much time with them. But no matter what, they are not the parent or even the guardian of that child.

Right now parents across America are fighting for their children for many reasons. One of the most prevalent fights parents are taking on right now is in schools and how teachers and administrators think they can teach our children things that go against our parents beliefs and values. In Bill 963, the parent and child will be protected from that happening.

If my child gets in trouble at school, I want to know about it immediately, not the third time it happens. This Bill makes sure I will know right away. Some teachers feel they can go off lesson plans and off policies and hand out surveys and polls to kids asking intimate information. This Bill protects the child from that happening. Sometimes curriculum looks good, but the instructional material used is the classroom is unacceptable to some parents. This Bill protects against a child being given material that could go against a parents wishes (politically, religiously, mentally) without the parent being informed first. A young girl just recently killed herself because her teachers were meeting with her secretly (with no parents) and discussing her pronouns they wanted her to use. The parents were never informed of any of this, and the poor girl took her life. This Bill will prevent that from happening again! In some schools there are classes like SEL being taught (it is taught in WBSD). We luckily have a Superintendent that allowed parents to opt out of that. But there are other schools in Wisconsin that do not offer that option.

This Bill allows parents to opt out their child from anti-family indoctrination that can mentally hurt a child.

In the times that we live in, where politics are seeping into every aspect of the world, we need to have a Bill to protect children and parents. We need to firmly make schools aware that their students are not their children, they belong to the parents! Bill 963 does just that! It allows parents to have a legal standing in their child's mental wellness, religious views and yes even political beliefs while in school. These things should not and can not be given to teachers to teach.

Please vote for Bill 963 to protect not just Parental Rights, but their children's rights as well.

Thank you for your time.