

March 6, 2025

Chair Kitchens, Vice-Chair Goeben, and Honorable Members of the Assembly Committee on Education:

The American Civil Liberties Union of Wisconsin appreciates the opportunity to provide testimony in opposition to Assembly Bill 103.

Bills like AB-103 are part of a nationwide coordinated effort to deny transgender people their freedom, safety, and dignity. Anyone paying attention can see that the ultimate goal of legislation like this is to push transgender people out of public life altogether. In just the first two months of 2025, over 450 anti-LGBTQ bills have been introduced in statehouses across the country.¹ **To be clear, transgender people have always existed and they always will. School board members, state legislators, and the President of the United States do not get to decide that they don't.**

AB-103 would force school boards to adopt policies banning staff from referring a student by a name or pronouns different from what was provided at the time of enrollment. A name or pronoun change “may” be accepted if and only if:

- a student’s parent or guardian provides documentation of a legal name change or an affidavit certifying that the student’s legal name was changed and the student “consistently uses the new legal name for all official purposes”
- attempts were made to notify all of the student’s parents/legal guardians who have access to their school records about the requested name and pronoun change; and
- all of the student’s parents and legal guardians agree with the change

That’s absurd.

Many parents may hope their children will come to them first with questions about gender and sexuality. But not every child has that option. Youth who are transgender face a real risk of rejection² by the adults who are supposed to care for them when they disclose their gender identity. Trans people are more likely to be abused³ by their immediate family based on their gender identity, and high risks of abuse and family rejection result in trans youth experiencing higher rates of homelessness and housing instability.⁴ These high rates of familial rejection and abuse dramatically increase the risks of suicidality, substance abuse, and depression. Not every child can be their true selves at home without risking their physical or emotional well-being. **School may be the only place where trans youth can be themselves.**

¹ “Mapping Attacks on LGBTQ Rights in U.S. State Legislatures,” ACLU (March 5, 2025), <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2025>.

² “LGBT Youth and Family Acceptance,” (2016), <https://pmc.ncbi.nlm.nih.gov/articles/PMC5127283/>.

³ “Disparities in Childhood Abuse Between Transgender and Cisgender Adolescents,” *Pediatrics* (Aug. 2021), <https://pmc.ncbi.nlm.nih.gov/articles/PMC8344346/>.

⁴ “Homelessness and Housing Instability Among LGBTQ Youth,” *The Trevor Project* (Feb. 2022), <https://www.thetrevorproject.org/research-briefs/homelessness-and-housing-instability-among-lgbtq-youth-feb-2022/>.

In addition, many supportive parents may want their children to be able to safely explore their identity without being worried that information will be disclosed against their will, and to have a safe space to ask questions they may be uncomfortable asking at home. Trans youth thrive when they are affirmed in their gender identity. Many schools across the country recognize that a supportive learning environment requires treating trans students with dignity and respect, including (at a minimum) calling them by the name and pronouns they want to use.

Finally, we must acknowledge that people — children and adults — have a constitutional right not to have intimate facts about their lives disclosed without their consent. That includes their sexual orientation or whether they are transgender. Children do not give up all their constitutional rights by enrolling in public school—minors have independent privacy rights and parents’ rights to direct the upbringing of their children do not automatically abrogate those privacy rights. For example, a federal district court recently held that parents do not have a fundamental constitutional right “to be promptly informed of their child’s gender identity, when it differs from that usually associated with their sex assigned at birth, regardless of their child’s wishes or any concerns regarding the detrimental effect the disclosure may have on that child.”⁵ In December 2024, the U.S. Supreme Court rejected an appeal from the dismissal of a lawsuit challenging the Eau Claire Area School District’s gender support policy due the plaintiffs’ lack of standing because neither the parents nor their children were actually affected by the policy.⁶

We urge committee members to oppose this legislation and **let kids be themselves** at school.

⁵ *John & Jane Parents 1 v. Montgomery Cnty. Bd. of Educ.*, No. 8:20-3552-PWG, 2022 WL 3544256, at *7 (D. Md. Aug. 18, 2022), *vacated and remanded by John & Jane Parents 1 v. Montgomery Cnty. Bd. of Educ.*, 78 F.4th 622, 626 (4th Cir. 2023) (holding that parents lacked standing, vacating decision below, and remanding for dismissal), *cert. denied sub nom. Jane Parents 1 v. Montgomery Cnty. Bd. of Educ.*, 144 S. Ct. 2560 (2024). Although the district court held there was no parental constitutional right, and therefore the school district’s policy regarding student consent before disclosing their gender identity to parents triggered only rational basis review, the court went on to state that even if there were a fundamental parental right at issue, the school had a compelling interest in “protect[ing] the student’s privacy and creat[ing]... a zone of protection ... in the hopefully rare circumstance when disclosure of [the student’s] gender expression while at school could lead to serious conflict within the family, and even harm.” *Id.* at *14.

⁶ *Parents Protecting Our Child., UA v. Eau Claire Area Sch. Dist., Wisconsin*, 145 S. Ct. 14, 220 L. Ed. 2d 265 (2024).