

A GUIDE TO ADVOCATING FOR YOUR CIVIL RIGHTS AND LIBERTIES

IN WISCONSIN SCHOOLS



INTRODUCTION

The ACLU of Wisconsin believes that every student has the fundamental right to a safe, inclusive, and enriching learning environment. However, school districts across the state are facing challenges that constrict civil liberties in school and pose a significant threat to this ideal, such as book banning, discrimination, harassment, and censorship. This guide aims to empower students, parents, and teachers to understand and use their legal rights and protections in public schools. It also provides practical tools to advocate effectively for themselves, helping foster a school environment where every individual can thrive.

TABLE OF CONTENTS

PURPOSE OF TOOLKIT	2
HOW TO USE TOOLKIT	3
SPEAKING OUT: WHAT ARE MY FIRST AMENDMENT RIGHTS?.....	4
PRONOUNS, NAMES AND BATHROOMS.....	7
BOOK BANS: HOW FAR IS TOO FAR?	10
CLUBS & ACTIVITIES: WHO HAS THE RIGHT TO MEET?	12
BULLYING AND DISCRIMINATION: WHAT CAN YOU DO?.....	13
FEDERAL DECISION-MAKERS: U.S. DEPARTMENT OF EDUCATION AND CONGRESS	15
STATE DECISION- MAKERS: WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION AND THE STATE LEGISLATURE	16
SCHOOL DISTRICTS IN WISCONSIN.....	18
SCHOOL BOARDS	19
SCHOOL BOARD WEBSITES, POLICIES, AND MEETINGS	20



PURPOSE OF TOOLKIT

We intend this toolkit to serve as a resource of students, parents, and teachers to protect and advance civil liberties in public schools throughout Wisconsin.




...INCLUDING, BUT NOT LIMITED TO, BANS ON BOOKS AND CLUBS, RESTRICTIONS ON THE USE OF PRONOUNS AND BATHROOMS, DISCRIMINATION, BULLYING, AND MORE.

HOW TO USE THE TOOLKIT

Our “Guide to Advocating For Your Civil Rights and Liberties in Wisconsin Schools” provides a birds-eye view of issues facing public schools in Wisconsin—including, but not limited to, bans on books and clubs, restrictions on the use of pronouns and bathrooms, discrimination, bullying, and more.

This guide also lays out some action steps for combating these issues in your school district. While we recommend reading the entire guide to educate yourself on relevant laws and suggestions for actions you can take, if you’ve picked up this guide for a particular issue, just turn to the topic for an overview and action items geared toward you—regardless of whether you’re a student, a parent, or a teacher.



Notice: This guide is not intended as an exhaustive list of possibilities, legal advice, or a substitute for the advice of a licensed attorney. Instead, it’s meant to serve as both a starting point and roadmap for identifying the tools you need to advocate in your school district. Because it’s intended to be a statewide guide, the information inside is not specific to any school district, so make sure you check your school district’s handbook and school board policies.

SPEAKING OUT: WHAT ARE MY FIRST AMENDMENT RIGHTS?

Students are often drivers of social change. Time and time again, student speech and protests have powerfully challenged existing power structures and ended up on the right side of history. One of the most famous cases of student protest affirmed that neither students nor teachers “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”

Students in public schools may express their opinions through protest and other forms of speech, even if their views are controversial or make other students, staff, or faculty uncomfortable. School administrators can intervene, however, if the student’s expressive activities interfere with the school’s operation or the rights of other students. The mere suspicion that speech might disrupt the classroom, though, is not enough.

Sources: [U.S. Courts](#), [ACLU](#)



STUDENTS

Petitions

Students have the right to circulate petitions during school as long as they do not disrupt the educational environment or violate any school policies. Any school policies limiting the ability of students to make and circulate petitions cannot be based on a school’s dislike of the content of the petition.

Schools do have some power to decide what is and is not disruptive to the educational environment but the “disruption” cannot merely be that the petition is “controversial.”

Sources: [ACLU Illinois](#), [ACLU](#)

Social media

Schools vary in their ability to regulate speech inside and outside of the school. A recent Supreme Court case affirmed that students are entitled to much stronger free speech rights, including on social media when they are off-campus. In that case, a school tried to punish a cheerleader and remove her from the team when she posted a frustrated Snapchat that included profane language while she was off school grounds. The court said the school could not punish her for this type of off-campus speech, and she was reinstated to the team.

The current law means that parents, not school officials, should be the principal regulators of their children’s off-campus speech. However, the ruling does allow administrators to punish students for bullying, harassment, threats and academic dishonesty, even when conducted off-campus. While students should take comfort in the fact that schools **cannot** regulate most of their speech and social media usage outside of school, they should still take caution when it comes to expression within these categories.

Sources: [Harvard Law Review](#), [ACLU Pennsylvania](#), [ACLU Pennsylvania](#)

Civil disobedience and retaliation—punishment

The ability of students to engage in protest or civil disobedience in schools depends largely on when, where, and how they wish to make their voices heard. Though students maintain some First Amendment rights in school, there are many ways a school can control or limit free expression. During the school day, students can engage in expressive activity and protest that isn't vulgar, offensive, or disruptive to the learning environment. A protest cannot be banned in school just because of its content.

Based on the activity, students protesting in schools may be exposing themselves to more or less risk of punishment and retaliation. For example, a peaceful and orderly demonstration during a non-instructional time like lunch is less risky than a disruptive school walkout. While violating laws or school policies in acts of civil disobedience has been a way to provoke systemic change, students should do individual risk assessments before engaging in civil disobedience of this nature.

Sources: [ACLU Maine](#), [NCAC](#)

Student journalists' rights

Journalists are responsible for uncovering corruption, dismantling power structures, and asking questions that no one else is willing to ask. However, student journalists do not have the same legal protections that working journalists do. Under current law, schools are allowed to censor the work of student journalists who are writing for any publication sponsored by the school. School administrators have broad discretion to censor or prohibit topics they deem "inappropriate". In practice, this has often meant student journalists are prevented from writing on topics regarding LGBTQ+ issues, political issues, or pieces critical of a school teacher or administrator. This can have a chilling effect on what topics a student journalist pursues and limit their ability to develop skills that journalists need to be successful in their future careers.

Many states are fighting back against this limiting legal precedent. A group called the Student Press Law Center has organized to pass the Student Press Freedom Restoration Act in 18 states. This bill protects both student journalists and the advisors who supervise student publications. It takes away the broad discretion of school administrators to censor student journalists, with just a few exceptions for libelous or slanderous content. Wisconsin has not yet passed this legislation. Although the bill passed in the Assembly in 2024, it did not receive a vote in the Senate. Passing this bill in a future legislative year will allow Wisconsin student journalists to conduct investigations and publish hard-hitting pieces without fear of censorship or retribution.

Sources: [SPLC](#), [NFHS](#)

PARENTS

Familiarize yourself with the laws and school policies

Understand that an act of civil disobedience in schools may result in disciplinary actions by your child's school. It is important to be aware of relevant laws and school policies to best advocate for your child if this were to occur.

Talk with your child about their activities

Ensure that your child is cognizant of the possible results and consequences of their actions while also making sure to respect their autonomy. Be aware of all they plan to do with their act of civil disobedience to be prepared for all possible outcomes.

If a child is disciplined, know where to go

Civil disobedience may result in disciplinary action by the school. For example, students could participate in a “walkout,” and missing class as a form of protest. Because state law requires students to go to school, schools can discipline your child for missing class. But schools cannot discipline your child more harshly because of the message or the political nature of your action. If your child is disciplined, they have a right to due process under state law.



TEACHERS

First Amendment and your job

Like students, teachers do not lose all of their First Amendment rights just because they enter a school. However, the extent of a public teacher’s First Amendment rights depends on whether teachers are acting in their official capacity or as private citizens.

During their official duties like teaching a class, making a curriculum, or hosting parent-teacher conferences, public schools do have the discretion to limit or control what their employees say. Even during official duties, teachers have the most First Amendment protections when they are talking about subjects of public interest like politics, social issues, or other community concerns. However, schools are allowed to restrict educators’ speech to remain neutral on certain controversial topics.

When teachers are not performing their official duties, they have more protections for their speech. Especially when their speech concerns public issues, schools can only restrict private speech if it interferes with the school’s efficient and effective operations. Importantly, teachers cannot compel or pressure students to join or engage in their private speech.

Source: [NEA](#)

Resources

- [Templates for School Board Meeting Comments](#)
- [Templates for petitions](#)
- [KYR: Public School Discipline in Wisconsin](#)

PRONOUNS, NAMES, AND BATHROOMS

In Wisconsin, students in public schools have the right to use restrooms and locker rooms that are consistent with their gender identity. One court found that denying students this right would unfairly stigmatize and exclude transgender or gender non-conforming students and subject them to unwarranted school discipline. That court viewed a school's denial to allow students the use of bathrooms and other facilities consistent with their gender identity to be discrimination on the basis of sex.

There are a few important things to note about the current state of the law regarding these rights. First, this law only currently applies to students in Wisconsin, Illinois, and Indiana public schools. Additionally, laws that support the rights of LGBTQ+ students are facing many legal challenges from transphobic and homophobic organizations and are subject to change. Finally, while the Supreme Court refused to review the decision that gives Wisconsin students these rights, they may consider similar cases in future terms which could change the current state of this law.

In Wisconsin, certain district-specific policies have been upheld that restrict the use of a student's preferred pronouns without parental consent. A case has also upheld a restriction banning the use of pronouns in email signatures among teachers. While there is no statewide law regarding pronoun use in schools, it is important to be aware of district-specific policies.

Sources: [Boardman Clark](#), [West Law](#), [WPR](#)

STUDENTS

Identify adults in your support system

Identify your trusted adults, such as parents/guardians, teachers, and mentors that you can trust. Explain your current needs and ask them to be an active support during your transition. These adults might be helpful in meeting with school officials or providing you with emotional support.

Identify your needs and know your rights

Identify what you need to transition, however that may look for you. This might include name changes, pronoun changes, bathroom/locker room needs, and other privacy concerns. Read relevant school district policies (if they exist) and [know your rights!](#)

Meet with your school

Ask to meet with your guidance counselor and principal about your transition and possible needs. It might be a good idea to invite trusted adults for extra support and discuss a plan for your name, pronouns, use of facilities, and general privacy. Here you can discuss who this information will be shared with, when/what your transition might look like, and create a plan if something goes "wrong" or if you might need additional support.

Form or join an LGBTQ+ club at your school

Many schools have existing clubs to support LGBTQ+ students, such as Gay-Straight Alliances (GSAs) or Queer Clubs. These types of clubs can be a great way to form support among peers and provide resources to students at your school surrounding LGBTQ+ needs. If your school does not have one of these clubs, consider [starting one!](#)

PARENTS

Find support and resources in your community

Many nonprofits and other organizations exist to help fight for LGBTQ+ rights, no matter where you are in the world. Connecting with an organization like [GSAFE](#), [PFLAG](#), Outreach, and others can provide you with resources and extra guidance and support during your child's transition.

Create a plan with your child

Have a conversation with your child about their expectations and timeline for their transition. Learn what their specific needs are in terms of their name, pronouns, use of school facilities, privacy, and more. Read your school district's relevant policies and [know what your child's rights are](#).

Meet with key administrators

Set up a meeting with your child's principal and guidance counselor to discuss your expectations for their transition. It may be helpful to include supportive teachers and other adults in their life and create a plan on how the school will accommodate your child. If your child has an existing 504 or IEP plan, support for their transition can be added.

Speak with public officials or local media

If your child's school is unwilling to accommodate your child's transition, you can put pressure on them through the use of public officials and local media. Consider [attending a school board meeting](#) to bring up these concerns or [write a letter to the editor](#) of a local newspaper.

TEACHERS

Shift the culture of your learning environment

A simple way to support LGBTQ+ students is to make small but meaningful changes in the classroom. For example, include pronouns during introductions, use gender-neutral language when possible, involve LGBTQ+ figures in relevant discussions, and include LGBTQ+ topics and themes in coursework.

Understand and respect your student's needs

If you are unfamiliar with your student's LGBTQ+ identity, [research more](#) to know how to best support them! If possible, use whatever pronouns and name they choose to go by, and accommodate them to the best of your ability in the classroom.

Support pronoun usage/name changes in school

Certain school districts in Wisconsin may have restrictive policies around pronoun and name changes in school. It is important to be aware of such policies, as they may involve parental consent forms or other steps before you can use a student's preferred name and pronouns. Help your student understand these policies and their available actions, and that you and other staff may not be able to use their chosen name/pronouns without parental consent. If a student is unable to obtain parental consent for pronoun changes, refer to them by their name instead of a pronoun whenever possible to avoid misgendering them.

Be a supportive link to school administration

It can be intimidating for students to speak with school administrators without prior knowledge of what the process is like or how a meeting might go. If a student wishes, help them connect with the relevant school officials and even possibly attend a meeting to advocate for their needs in your classroom.

Title VII anti-discrimination protections for district employees

As an employee of a public school district, you have protections under the Civil Rights Act of 1964. Title VII of the Civil Rights Act makes it illegal to discriminate against an employee on the basis of race, color, religion, sex, or national origin. Since 2020, the Supreme Court has considered “sex” to include sexual orientation and gender identity. In other words, the law forbids employers to discriminate against LGBTQ+ employees in any aspect of employment, including hiring, training, firing, promotions, pay and fringe benefits, job assignments, or any other condition of employment.

If you are experiencing harassment or discrimination at work, it’s best practice to report it to Human Resources right away. In most cases, the report should trigger the district to take action to prevent further mistreatment. If the district fails to prevent or remedy harassment or discrimination, you should speak with your union or seek legal advice from a qualified employment attorney.

The law also forbids employers from retaliation after a report or complaint of harassment. This applies whether you report discrimination directed at you or a colleague. If you suspect the district is retaliating against you for reporting or complaining of LGBTQ+ discrimination, you should speak with your union or seek legal advice from a qualified employment attorney without delay.



RESOURCES

- **National ACLU guide:** https://www.glsen.org/sites/default/files/2020-06/Know%20Your%20Rights_0.pdf
- **HRC for parents:** <https://www.hrc.org/resources/a-parents-quick-guide-for-in-school-transitions-empowering-families-and-schools-to-support-transgender-and-non-binary-students>
- **For teachers:** <https://www.glsen.org/blog/follow-their-lead-how-schools-can-help-transgender-educators-thrive>
- **How to start GSAs:** <https://www.aclu.org/documents/how-start-gay-straight-alliance-gsa>
- **For teachers:** <https://www.glsen.org/supporting-trans-and-gnc-students>
- **EEOC Sexual Orientation and Gender Identity Discrimination:** <https://www.eeoc.gov/sexual-orientation-and-gender-identity-sogi-discrimination>
- **Find an attorney:** <https://www.wisbar.org/forPublic/INeedaLawyer/Pages/i-need-a-lawyer.aspx>



BOOK BANS: HOW FAR IS TOO FAR?

Book ban challenges are appearing in school districts across the country, including Wisconsin. These challenges are allegedly driven by supposed concerns over content related to race, gender, and sexuality, and often come from local parent groups connected to broader national networks. The number of books targeted for removal or restriction in schools and libraries across the U.S. jumped 65% from 2022 to 2023. About half of all books targeted for removal or restriction represented the voices of LGBTQ+ and people of color.

In Wisconsin, more than 100 school districts have faced book ban challenges from parents, groups, and school board members, leading to the removal or restriction of more than 600 book titles across the state.

Some, but not all, book ban challenges in public schools violate the First Amendment. The Supreme Court has previously indicated that the removal of books from school libraries could violate students' First Amendment rights because the ability of students to access a range of ideas in school libraries is an important way to prepare them to be adult members of society.

When schools, local governments, and school boards attempt to remove or ban books from a school library, the constitutionality of their actions depends on the motivation behind the removal. Indeed, administrators have broad discretion to regulate the content of school libraries they deem "inappropriate," but when officials make decisions to ban books based on partisan or political motivations, that discretion has been exercised in violation of the United States Constitution.

Source: Board of Educ., Island Trees Union Free School Dist. No. 26 v. Pico, 457 U.S. 853 (1982).

What can you do to fight back against banned books?

STUDENTS

Create a banned book club

Banned book clubs can spark important conversations about issues of classroom censorship and help students access important stories they might be missing. Not sure where to start? First, review our round-up of [10 Books Politicians Don't Want You to Read](#). Then, once you've selected a book, check out the [Banned Books Book Club fund](#), where you can request specific titles be sent to your club, or explore the [Brooklyn Public Library's free eCard program](#).

Here are sample discussion questions to guide your book club conversation:

- **What did you think about the book?**
- **Many book bans currently happening across the country target books that discuss topics such as race, gender, and sexuality. Were there any themes related to race/gender/sexuality in this novel that resonated or stood out to you?**
- **Why do you think this book was banned?**
- **One of the most common reasons for banning a book is due to "age-appropriateness." What does this mean to you? Do you think this is a valid reason?**
- **Do you think this book should be banned from schools and public libraries? Why or why not?**

PARENTS

Activate your PTA

Parent-teacher associations (PTAs) are meant to give parents a voice and role in supporting their child’s school. PTAs are important for making demands of a school not only because there is power in collective action, but because—as contributors to the school in the form of donations and volunteer hour—PTAs can have a lot of influence on school policy. Working within the PTA to make demands of your child’s school is a great way to use existing infrastructure to exercise your voice as a parent.

Provide school board testimony

There are 446 school districts in Wisconsin with about 880,000 students. School boards are elected officials who control significant aspects of student’s lives, including dress code, class offerings, bathroom and locker room access, school equity goals, and grievance process if a student has been bullied or discriminated against by a teacher, coach, administrator, or other authority figure. You can attend a school board meeting and share your complaint with the board directly.

If you are uncomfortable doing that, you can outline your concerns in a simple one-page letter. Be sure that if other community organizations or parents also have the same concern, you include their signatures.

Open records requests

Contact the school district’s administrative office for their specific procedures for filing Open Records Requests. Write and send a letter with a specific request for a list of books removed, their decision-making process, decisions made, etc. **Here is an example to follow.**

TEACHERS

Create classroom libraries

Curate a diverse classroom library with themes and titles that may not be available in the school library. Give your students their choice back.

Restructure curriculum to involve primary resources

If your school bans a book for covering a certain topic (e.g. race, LGBT+ identities), teach that subject material using primary resources. This may involve listening to speeches, reading testimonials, interviewing members of the community, and more.



CLUBS & ACTIVITIES: WHO HAS THE RIGHT TO MEET?

If a School District allows any student club, it must allow all student clubs. In other words, districts can't decide which clubs—including LGBTQ+ groups—are banned from meeting. Students in public schools have the right to freedom of assembly, including forming and participating in non-curricular student clubs. The Equal Access Act (EAA) applies to students in secondary public education and makes it illegal for any school with at least one non-curricular student club to discriminate against any student club on the basis of "religious, political, philosophical, or other content of speech" at club meetings.

The Supreme Court has confirmed the constitutionality of the EAA. The court clarified that just because a school allows a student club to operate, it does not mean that the school is endorsing the content of the club's speech. However, schools can exclude clubs if they are run by people not affiliated with the school if participation in the clubs is involuntary, and if the clubs interfere with normal school operations. Officials also have some ability to restrict student access to and speech regarding "obscene or sexually explicit materials." In the current political environment, some schools may try to include LGBTQ+ education and pro-choice advocacy into these categories.

Sources: [Kappan](#), [Free Speech Center](#), [Dept. of Education](#)

How to create and support student clubs

STUDENTS

How to create clubs

First, identify your club's goals and purpose. Consider drafting bylaws and a mission statement to share with others. Next, register the club with your school. This process looks different at each school, so reach out to your guidance counselor for help navigating the process. You might also consider finding a staff member to be your club's advisor, especially if the school requires one. Once your club is established, spread the word and hold your first meeting.

PARENTS

How to support your child's clubs

Simply encouraging and supporting your child's extracurricular activities and interests can be hugely beneficial. Attend any events they might have and act as an advocate for your child if they ever need help talking with school administrators.

TEACHERS

How to advise clubs

Club advisors provide structure and support to meetings. This might include helping students stay on track and measure their goals and supporting any projects or ideas that require a teacher's connections to school administration for funding or approval.

Resources

- <https://blog.prepscholar.com/how-to-start-a-club-in-high-school>

BULLYING AND DISCRIMINATION: WHAT YOU CAN DO

In Wisconsin, all students are guaranteed an adequate education by Wisconsin's state constitution. However many students' education is disrupted by bullying from peers or staff. Bullying at school can take many forms, including verbal (name calling, sexual comments, taunting), social (rumors, embarrassment, shaming), physical (hitting, pulling hair, slapping, or inappropriate and unwanted touching), and cyberbullying (sending hurtful texts, spreading rumors, making private information and communications public, making and sharing fake content). If you or your child is experiencing bullying at school, the first step is to understand your rights. The second step is to get the district involved in stopping the bullying behavior.

When looking for what laws provide the most protection for students experiencing bullying, both students and parents should start by looking at their state laws. There are protections against bullying in schools in all 50 states, and these laws often provide the strongest and most timely interventions for students to receive support. In Wisconsin, all school districts must adopt a policy that prohibits peer-to-peer bullying. Districts can either adopt the model policy from the Department of Public Instruction, or they can adopt their own policies to define bullying and how it will be addressed. Wisconsin schools must also have a policy that prohibits discrimination, harassment, and bullying due to: gender, race, religion, creed, age, national origin, ancestry, pregnancy, marital status, parental status, sexual orientation, or disability.

Federal law provides less protection for bullied students. However, if the bullying is based on a student's learning differences, they may be protected under federal law. For example, federal law prohibits discrimination in public schools against students with learning and thinking differences. Schools must act when students are bullied due to a difference in ability.

Sources: [Understood](#), [Dept. of Public Instruction](#), [StopBullying.gov](#), [WI Dept. of Public Instruction](#), [StopBullying.gov](#)

What can you do to address bullying and harassment?

STUDENTS

Tell someone you trust or call a crisis hotline

If you are being bullied or harassed, tell someone you can trust, whether that be a parent, friend, teacher, or other person. If you don't feel comfortable speaking with someone you know, **call 988 or text "Connect" to 741741.**

Cyberbullying

If you are using a social media platform, block your cyberbully if possible and consider reporting their account for harassment. Always remain cognizant of what you post or share in online spaces, as they can be more public than you realize.

Report being bullied/harassed

A great starting point for reporting your bullying experience is to go to your school's guidance counselor. They can support you and help you advocate for your needs to the school after a bullying incident.

In any case of bullying

- **Involve a safe adult:** Identify an adult that you trust—whether that be a parent/guardian, teacher, guidance counselor, or anyone else. This includes cases between students, staff, and yourself. Explain what happened, and ask them to support you/the impacted person.
- **Support the student who was bullied:** If you witness a bullying incident, intervene if it is safe for you to do so. After the incident, support the person you witnessed being bullied by asking what their needs may be. This may include speaking to staff about the incident or simply being someone to lean on.

PARENTS

Report the bullying incident to your child's school

Ask for your child's school's bullying report form or send a letter including:

- **Your child's name**
- **The date and location of the incident**
- **Details including**
 - Who was involved
 - What happened
 - How often
 - Witnesses to the incident
 - Impact of the incident on your child physically, emotionally and academically
- **What has already been tried to stop the problem**

If your school does not respond adequately

Take it up the chain of command. Document what you reported, when, and to whom. First, contact the school's superintendent. You may also consider contacting the Wisconsin Department of Public Instruction for further guidance or to file a complaint.

TEACHERS

Stop the bullying immediately and ensure consequences

If the bullying or harassment is done within your presence, stop the parties immediately and impose appropriate consequences. Follow school policy in reporting the incident to school administrators and parents/guardians.

Advocate for the impacted student

First, provide guidance to any bystanders on how they can intervene in the future if they witness something similar. Next, make a point to speak with the impacted child in private to talk about their feelings after the event and how to ensure they feel safe in your classroom. This may involve speaking with school administrators on their behalf regarding the incident and following up with appropriate actions.

Resources

- **It's Bigger Than Bullying, ACLU-WI:** https://www.aclu-wi.org/sites/default/files/wysiwyg/bully_book_0.pdf
- <https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/bullyingbrochure.pdf>
- <https://www.askresource.org/filesimages/ASK%20Info%20Sheets/How%20to%20Report%20Bullying-%20Sample%20Letter.pdf>
- <https://www.understood.org/en/articles/steps-take-if-you-suspect-bullying-childs-school>
- <https://www.understood.org/en/articles/parent-training-centers-a-free-resource>
- <https://dpi.wi.gov/sspw/safe-schools/bullying-prevention>
- <https://welcomingschools.org/resources/bullying-intervention>

FEDERAL DECISION-MAKERS: U.S. DEPARTMENT OF EDUCATION AND CONGRESS

Education is primarily a state and local responsibility in the United States. The U.S. Department of Education is the federal agency that establishes education policy and distributes and monitors federal funding for education. The department is led by the Secretary of Education, appointed by the president and confirmed by the U.S. Senate. The Department of Education dedicates its funding and staff to:

- **Establishing policies on federal financial aid for education, and distributing and monitoring those funds;**
- **Collecting data on America’s schools and disseminating research;**
- **Focusing national attention on key educational issues; and**
- **Prohibiting discrimination and ensuring equal access to education.**

Source: U.S. Department of Education

The federal Department of Education creates regulations and guidance to implement federal laws on education passed by Congress, such as:

- **Family Educational Rights and Privacy Act (FERPA)**
- **Every Student Succeeds Act (ESSA)**
- **Individuals with Disabilities Education Act (IDEA)**

The Office for Civil Rights (OCR) enforces federal civil rights laws that prohibit discrimination in programs or activities that receive federal funding from the Department of Education. OCR also collects and publishes data on students’ equal access to educational opportunities, including data on student discipline, students with disabilities, harassment or bullying, restraint and seclusion, and student retention.

Each year, the federal budget, which funds federal agencies, including the Department of Education, is passed by Congress and signed by the president. Bills introduced in Congress related to education are typically referred to the Senate Committee on Health, Education Labor, and Pensions or the House Committee on Education and the Workforce.



STATE DECISION- MAKERS: WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION AND THE STATE LEGISLATURE

The Wisconsin Department of Public Instruction (DPI) is the state agency responsible for advancing public education and libraries statewide. DPI is led by the State Superintendent of Public Instruction—a nonpartisan, constitutional officer elected every four years. The next elections for state superintendent will be held in April 2025 and April 2029.

DPI is responsible for a broad range of programs, including:

- Reviewing and approving teacher preparation programs
- Licensing teachers, pupil services personnel, administrators, and library professionals
- Distributing state and federal aids to supplement local tax revenue, improve curriculum and school operations, ensure education for children with disabilities, offer professional guidance and counseling, and develop school and public library resources
- Reviewing and revising academic standards
- Administering the Wisconsin Educational Services Program for the Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually Impaired
- Providing assistance for the development and improvement of public and school libraries
- Publishing multi-year education data about Wisconsin schools and students, including the Wisconsin Information System for Education Data Dashboard (WISEdash)—a data portal that uses “dashboards,” or visual collections of graphs and tables on student enrollment, attendance, school discipline, special education, and more; you can access the WISEdash public data portal here
- Administering the Milwaukee, Racine, and Statewide parental choice programs; the Special Needs Scholarship Program; and the open enrollment program

A list of DPI’s divisions and teams can be found here.

Every two years, the state budget is passed by the Wisconsin legislature and signed by the governor funds DPI, and distributes state and federal aid to local school districts. Bills introduced in the state legislature related to K-12 education typically get referred to the Assembly Committee on Education and Senate Committee on Education.

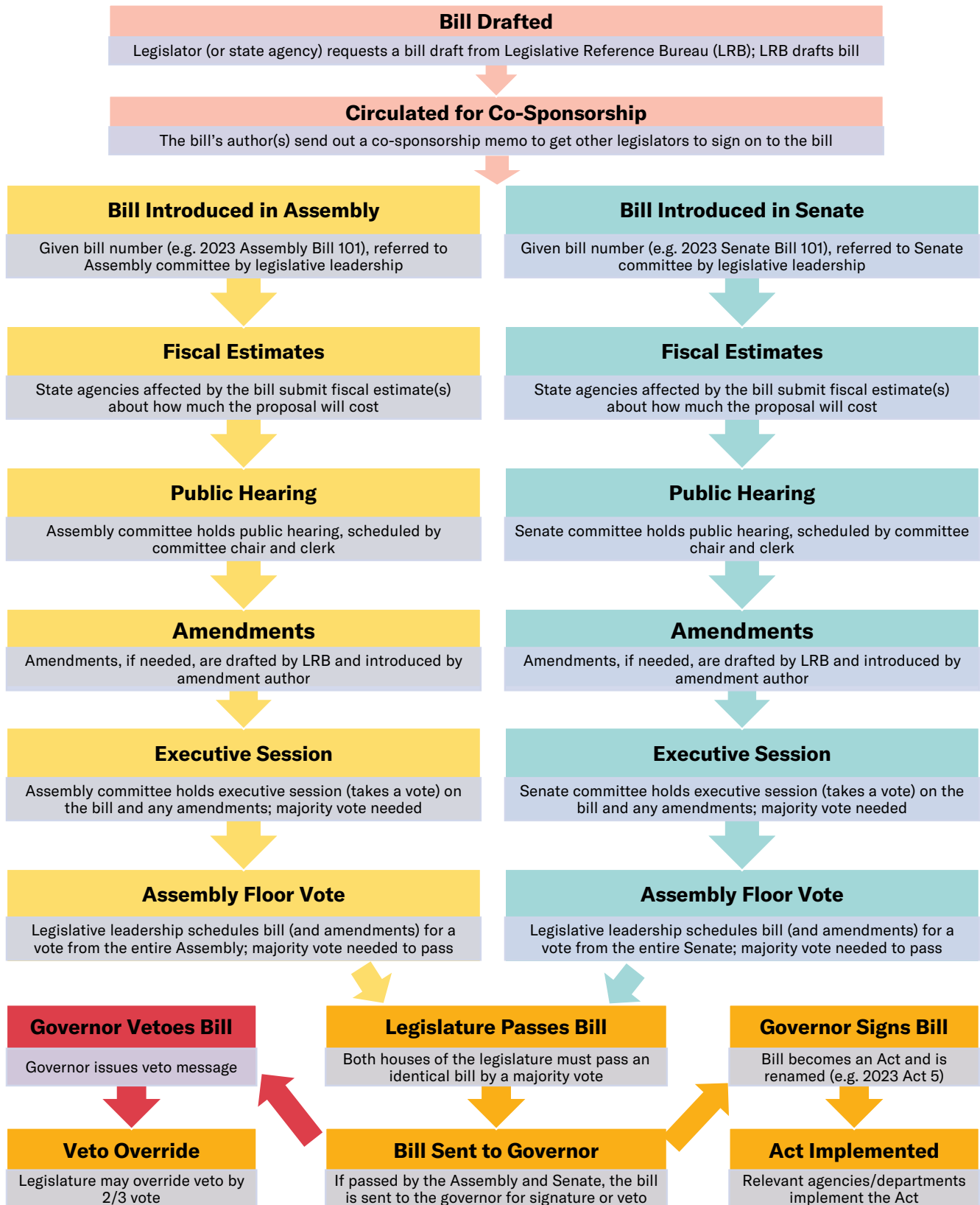
State laws on K-12 education:

The primary statutes governing K-12 education in Wisconsin are:

- **Chapter 115:** State Superintendent; General Classifications And Definitions; Children With Disabilities
- **Chapter 116:** Cooperative Educational Service Agencies
- **Chapter 117:** School District Reorganization
- **Chapter 118:** General School Operations
- **Chapter 119:** First Class City School System (Milwaukee Public Schools)
- **Chapter 120:** School District Government
- **Chapter 121:** School Finance

Administrative rules that implement education programs and standards are drafted by DPI and approved by the legislature’s Joint Committee on Review of Administrative Rules.

Wisconsin Legislative Process Overview



SCHOOL DISTRICTS IN WISCONSIN

There are 421 public school districts in Wisconsin, including:

- **365 common school districts (322 serve grades K-12 and 43 serve grades K-8)**
- **45 unified school districts**
- **10 union high school (9-12) districts**
- **1 first-class city district (Milwaukee Public Schools)**

A directory of all Wisconsin schools is [available on the DPI website](#).

Wisconsin public school districts are funded through four major sources of revenue:

- **State aid**
- **Property taxes**
- **Federal aid**
- **Other local non-property tax revenues (such as fees and interest earnings)**



SCHOOL BOARDS

School districts are governed by elected school boards. School boards have the authority to “do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils,” which includes the authority to make rules for school districts and suspend and expel students. Each school board is also responsible for considering and adopting an annual operating budget for the school district. Wis. Stat. §§ [119.18](#), [119.25](#), [120.13](#) Wisconsin law specifies the number of school board members based on the type of school district structure.

TYPE OF SCHOOL DISTRICT	Term Length for School Board Members	Election of Officers	School Board Meeting Requirements
Common School District	Three years; elected at the nonpartisan spring election each year Wis. Stat. §§ 120.06(1) , (3)	If more than three members, must elect a president, vice president, treasurer, and clerk each year Wis. Stat. § 120.05(1)(c)	Required to hold an annual meeting Wis. Stat. § 120.08(1)
Unified School District	Three years; elected at the nonpartisan spring election each year Wis. Stat. §§ 120.42(1) , (2)	Must elect a president, vice president, clerk, and treasurer from among its members and a school board secretary who doesn't need to be a member of the board Wis. Stat. § 120.43(1)	Not required by statute to meet at specific intervals or have an annual meeting Wis. Stat. § 120.44(2)
Union High School District	Three years; elected at the nonpartisan spring election each year Wis. Stat. § 120.06(1) , (3)	If more than three members, must elect a president, vice president, treasurer, and clerk each year Wis. Stat. § 120.05(1)(c)	Required to hold an annual meeting Wis. Stat. § 120.08(1)
First-Class City School District (MPS)	Four years; elected at the nonpartisan spring election in odd-numbered years Wis. Stat. §§ 119.08(2)-(3)	Annually, must elect a president among its members to serve for one year; the board president shall appoint standing committees to serve for one year Wis. Stat. § 119.10	Required to hold regular monthly meetings Wis. Stat. § 119.10(3)

Source: Public School District Governance, Wisconsin Legislative Council Issue Brief (Feb. 2021)

Superintendents

The superintendent is the chief executive officer of the school district responsible for advising the school board in the formulation of policies and implementing those policies established by the school board. Superintendents must go through a certification process through DPI and are selected by the school board.



SCHOOL BOARD WEBSITES, POLICIES, AND MEETINGS

How to navigate a school board website

Each school district’s website should have a page entitled “Board of Education” or “School Board” (usually in the website’s main menu or under a menu heading of “About Us”).

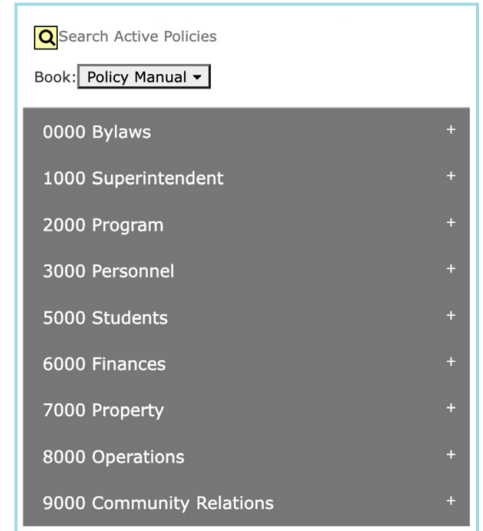
This page typically includes the following information:

- **Board members**
- **Board policies**
- **Board meeting notices, agendas, and minutes**
- **Board committees**

How to find and read existing school board policies

On the Board of Education or School Board page, there should be a link entitled “School Board Policies” or “School District Policies.”

Many school districts use a web platform called “BoardDocs” to list updated versions of their policies, which are grouped into different categories. Click on the category to see a list of all policies under that topic. Each specific policy is assigned a number and lists the date the policy was most recently adopted or amended.



How to find school board members’ contact information

On the Board of Education or School Board page, you can find information including the names of school board members, their contact information, and when their term of office expires.

Process for how new policies get created/how existing policies are amended

On the Board of Education or School Board page, you should see a list of all recent and upcoming board meeting notices and agendas, board committee meeting notices and agendas, and meeting minutes from past meetings.

Each school board should have a Bylaws section in their school district policies describing the procedure for the board to adopt, amend, repeal, or suspend school district policies (typically through a majority vote of the board).

How to participate in public school board meetings

Your school board has the power to make many important decisions about the schools’ educational environments. Because of this power, engaging with your school board before, during, and after school board meetings is one of the most effective ways to express your concerns and voice grievances about policy decisions. Take steps to stay engaged by:

- **Checking the school board website regularly to review upcoming meeting agendas and meeting materials**
- **Attending or watching a live-stream of a school board meeting to observe the dynamics of the board and how meetings are conducted**
- **Requesting a meeting with individual school board members to get their perspective on issues**
- **Writing or emailing individual school board members**
- **Speaking during a public comment period during a school board meeting**

How do I know when a school board meeting is happening and what the board will discuss?

In order for school boards to meet and take action, they must provide notice of meetings:

- Wisconsin open meetings laws require governmental bodies—including school boards and school board committees—to give the public notice at least 24 hours before the meeting (unless “for good cause” such notice is “impossible or impractical”).
- Notice must contain the time, date, place, and subject matter of the meeting.
- Meetings must be reasonably accessible to members of the public and open to residents at all times (except when a board goes into “closed session”).

What is a closed session?

A board can enter into a closed session that is not open to the public if one of the statutory exemptions applies (such as discussing a lawsuit the district is involved in or discussing specific staff employment matters. Wis. Stat. §§ 19.85(1)(a)-(h)).

- To enter into a closed session, the board member presiding over the meeting will announce the proposed closed session, a board member will make a motion, and board members will vote on whether to enter into a closed session.
- Public participation at school board meetings.
- Some state laws require school boards to hold “public hearings” or seek public input prior to taking certain actions or adopting certain policies.

Examples of public meetings of public meetings

- Annual budget hearing. Wis. Stat. § 65.90(4)
- Hearings on school district requests for a waiver of rules or statutory requirements from DPI. Wis. Stat. § 118.38(1)(b)
- Sometimes, school board policy may require that a school board holds a “public hearing” before the board takes certain actions (e.g., changing school attendance boundaries)

Public comment periods and the First Amendment

The First Amendment protects the right to free expression at public meetings and the right to criticize government entities, including school districts. Under state law, school boards are not required to regularly include a public comment period on their meeting agendas. However, when a school board allows members of the public the opportunity to speak to the board at a meeting, the public comment period must be included on the meeting notice. Wis. Stat. § 19.84(2)

School boards can set their own policies about how public comments may be made at meetings, for example:

- **Time limits:** The board can limit public comments by setting and enforcing time limits (e.g., three or five minutes per speaker) or limiting comments to only what is on the agenda.
- **Who speakers may address:** The board can require speakers to direct all comments to the board president and not individual board members.
- **Imminent disruption:** The board can cut off speech that threatens to disrupt the meeting.

However, under the First Amendment, a board cannot discriminate based on the speaker’s viewpoint or the speaker themselves. If the board provides an opportunity for public comment, it cannot retaliate against or silence speakers based on the content of their speech.

