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Fair Wisconsin and GSAFE file federal complaint detailing hostile environment fostered by school board

Complaint filed on behalf of trans and nonbinary students in Kettle Moraine School District

Fair Wisconsin and GSAFE today filed a joint complaint to the Office for Civil Rights at the United States Department of Education in support of trans and nonbinary students, educators, staff, and families in schools in the Kettle Moraine School District. The complaint details how the elected school board of the district fostered a hostile environment in violation of Title IX regulations.

“Creating a hostile environment for trans and nonbinary kids creates a hostile environment for every kid. Our children are watching, and when elected school board members weaponize the identity of some of our most vulnerable children, we must take action to stop them,” said Abigail Swetz, Executive Director of Fair Wisconsin. “We must show the children of Wisconsin – our trans and nonbinary kids and all of their peers – that we are ready to protect their rights and ensure their safety.”

Title IX prohibits discrimination on the basis of sex, including discrimination on the basis of gender identity, in all education programs that receive funding from the federal government. Regulations that make clear the inclusion of gender identity went into effect on August 1, 2024. While there are injunctions preventing the immediate implementation of the new regulations in certain Wisconsin schools due to an out-of-state lawsuit, these injunctions extend only to the specific schools attended by members of the organizational plaintiffs, not other schools in the district or the district in its entirety. The majority of schools in the Kettle Moraine School District are not subject to the injunction, thus the Kettle Moraine School District must implement the updated Title IX regulations in those schools. However, the district’s school board has itself created a hostile environment in the form of public statements during meetings and the absence of any action taken to protect trans and nonbinary students from discrimination when it has been brought to the board’s attention in meetings.

“We know that access to supportive adults in our schools can and does make a difference in the mental health of our children. We know that access to LGBTQ+-inclusive curriculum and affirming spaces like Gender and Sexuality Alliances can create a sense of safety and belonging,” said Tyrone Creech, Jr., Executive Director of GSAFE. “When we know that, we must be those supportive adults and create that welcoming space for our kids to belong. It is a moral imperative, and under Title IX, it is also a legal obligation.”

Protecting the rights of LGBTQ+ students, and specifically trans and nonbinary students, is integral to creating a safe learning environment. According to an [analysis of the LGBTQ+ data in the Youth Risk Behavior Survey](#) administered in Wisconsin in 2021, only 66 percent of Wisconsin's trans youth reported feeling safe in school, while 18 percent reported skipping school in the past year due to feeling unsafe. Trans youth are more than three times as likely as their peers to have been bullied at school, and according to the [2021 GLSEN National School Climate Survey](#), the majority of LGBTQ+ youth in Wisconsin who were victimized never reported the incident to school staff. Of those who did report, fewer than one in four students felt the report resulted in effective action by staff.

Fair Wisconsin and GSAFE are committed to creating safe learning environments in Wisconsin schools, and will continue to respect trans and nonbinary students' identities and protect their rights by filing more complaints with the Office for Civil Rights as hostile environments in other school districts are brought to the organizations' attention.

"We know school boards in other districts may be taking similar actions – making anti-trans statements during formal board meetings, refusing to act on discrimination, and even casting votes against Title IX and the inclusion of protections based on gender identity. These districts and other outside organizations are actively spreading disinformation about out-of-state litigation to deter LGBTQ+ youth from exercising their rights. Let me be clear: we are watching, and as we learn more, we will file more complaints on behalf of the students in those districts," said Swetz.

To inform Fair Wisconsin and GSAFE of school board actions creating hostile environments in a district, please contact the organizations by emailing testimony@fairwisconsin.com or calling 608-441-0143. A staff member will respond to learn more and take the necessary next steps. It is also important to know that any injunction does not limit students, educators, staff, and families from going to courts to assert their rights under Title IX and/or other legal protections.

"GSAFE is also ready with inclusive resources to support youth, families, educators, and district leaders and school board members in our collective work to create schools where all LGBTQ+ youth thrive. I encourage you to reach out to us to learn more about our work and best practices for supporting LGBTQ+ youth," said Creech. [Resources include information](#) on the rights and protections available to LGBTQ+ students and families.

[Fair Wisconsin](#) is Wisconsin's statewide LGBTQ+ civil rights and political advocacy organization, dedicated to building a fair, safe, and inclusive state where LGBTQ+ people are treated with dignity and respect. [GSAFE](#) is Wisconsin's statewide LGBTQ+ education and advocacy organization, committed to building thriving school communities for LGBTQ+ youth and students. The complaint was filed in coordination with GLSEN, a national organization advocating for LGBTQ+ issues in K-12 education, along with equality organizations in Arizona and Pennsylvania.

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