Superior School District
Public Complaint Regarding Gender Identity & Expression Curriculum

Appeal to the Superior Board of Education
Submitted by Parents of the Superior School District - August 4, 2022

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Introduction

1.1 - Timeline of Original Curriculum Complaint

Thirty parents, representing five district elementary schools, filed formal complaints, per SSD policy 9130, to address SSD’s controversial Gender Identity & Expression curriculum. This curriculum was introduced to the district’s fifth grade students in the Spring of 2022 as part of the Human Growth & Development unit.

District administration subsequently formed a curriculum review committee to adjudicate the parent’s complaint. The review committee met on two separate occasions in June of 2022. They were tasked with forwarding a recommendation to the SSD administrator based on the specifics of the complaint and the age appropriateness, accuracy, objectivity and use made of the controversial curriculum.

The formal curriculum complaint was rejected by the committee. This verdict was sustained by the district administrator and passed to the Board of Education for their information. This document is an appeal of that rejection as permitted by policy 9130 - Public Complaints of Board Policies and Administrative Guidelines, Superior School District [1]. As such, the Superior Board of Education will have the opportunity to consider the parental and community concern regarding this extraordinarily controversial curriculum.

As detailed in the content of this appeal, the curriculum, as currently presented by the School District of Superior [2], is inappropriate, unjustified and unnecessary. Section 4.0 and 4.1 of this appeal offer several suggestions to help remedy this situation. Ultimately, we recommend common sense, well established best practice instead of this curriculum.
Introduction

1.2 - District Response to Original Curriculum Complaint

The review committee recommendation, and subsequent decision by the SSD administrator, to disregard the objections documented in the formal parental complaint was not an impartial and thorough review because:

- The committee failed to address specific objections to the curriculum raised in the complaint.
- The committee’s composition was picked to ensure a predetermined outcome.
- The unworkable meeting timelines established by SSD administration made meaningful public participation difficult.

Lack of due diligence

The committee met on two separate occasions with the second day reserved for discussion and voting. Of the seven formal objections raised in the original complaint only one, regarding transparency of communication, was discussed. The committee did not discuss any of the six other objections detailed in the complaint, thus making an informed and objective decision impossible. The review committee was convened to determine whether the objections had merit. Because the committee did not discuss most of the issues raised in the complaint, it failed in its core mission to provide an informed recommendation to the administrator. For this reason, the committee’s recommendation, and the subsequent decision forwarded by the administrator to the Board of Education, should be viewed as inadequate and prompt a more thorough and independent review by the Board.

Committee composition

Two of the five voting members that comprised the review committee participated in the original groups that helped design the Gender Identity & Expression curriculum. One of the two, Crystal Hintzman, actually presented the district’s case in favor of not changing the established curriculum at the first meeting. Because two of the committee’s voting members

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1 When asked directly by an attendee, during the second meeting, whether one of the objections would be discussed, the committee chairman (Steve Olson) replied “I don’t believe that I can do that today”. Instance noted at 23:40 mark of recorded meeting on 6/16/2022.
were inherently biased and the SSD administration was aware of the history of these individuals when selecting them, the committee's recommendation and subsequent decision forwarded by the administrator to the Board of Education should be rejected.

Meeting timelines and notice
The complainant was given minimal notice that a presentation could be given during the first review committee meeting. When concern about this was raised to the district regarding the prospect of not having enough time to prepare, the district's attorney replied: “I operate under the assumption that the complainant making an objection to curriculum, already has reasons and argument for the complaint. That is all that is required of presentation.” This statement is incorrect. Having a good argument is not the same as having a good presentation that can articulate those arguments in the most effective manner. Substantive presentations take time to create. Additionally, both public meetings were held mid-morning on weekdays. For those wanting to attend, including the complainant, these were the most inconvenient times possible.

For these reasons the committee's recommendation and the subsequent decision forwarded by the administrator to the Board of Education was not an impartial nor thorough consideration of the parent's arguments and should therefore be rejected. We urge a thorough and independent review of the complaint by the Board.
Gender identity issues, including the biology and psychology of sex and gender identity, gender expression, and appropriate pronoun usage, are unquestionably controversial, as evidenced by this parent-supported complaint. Currently, few other issues are more controversial across our nation than the implementation and instruction of K-12 Gender Identity and Expression curriculum. Recent polling data shows that these issues are far from settled and remain controversial within the parent community.²[3]

Ask any district parent, they will have a strong opinion on the matter. This appeal is a direct result of thirty of these parents doing their research and taking action. They represent many in the community who question the validity and value of the Gender Identity and Expression curriculum as currently presented by the Superior School District to our 5th grade students.

There is agreement among parents and the district that controversial issues can play an important role in our schools. However, in this circumstance the contested curriculum does not meet the standards established for teaching these controversial issues in the classroom. Specifically, Superior School Board policy 2240 [4] mandates that: “the board will permit use of controversial issues provided that their use in the instructional program:

1. Is related to the instructional goals of the course of study and level of maturity of the students
2. Does not tend to indoctrinate or persuade students to a particular point of view
3. Encourages open-mindedness and is conducted in a spirit of scholarly inquiry

None of these criteria are met when applied to the contested curriculum. This failure is particularly pronounced in light of the wealth of relevant information that was not considered or used by the district when it developed the curriculum.

² Several recent polls show different opinions on teaching gender identity in elementary schools but none show anything close to consensus on these issues. They remain controversial. A recent YouGov poll found 44% of the public oppose teaching gender identity issues in K-3 and 31% supporting it. YouGov poll conducted April 5-8, 2022 p17.
Age Appropriateness - Wisconsin Law, DPI Guidance & SSD Policy

Wisconsin statutes promote a Human Growth and Development (HGD) curriculum that, in the words of the Wisconsin DPI, should be “developmentally appropriate”[5]. Although providing a comprehensive HGD curriculum is discretionary under s. 118.019(1), Wis. Stats., any such curriculum offered must be “age appropriate” as defined by that statute:

Age appropriate means suitable for a particular age group of pupils based on their developing cognitive and emotional capacity and consistent with adolescent development and community standards. Section 118.019(1)(a), Wis. Stats.

As previously stated, the district’s own “controversial issues” policy requires that such issues only be introduced if they are “related to the instructional goals of the course of study and level of maturity of the students.” A controversial issue is one that “… opposing points of view have been promulgated by responsible opinion or is likely to arouse both support and opposition in the community.” [4] (emphasis added)

It is undisputed that there is significant and meaningful community opposition to teaching gender identity issues in the 5th grade. This complaint is evidence of that opposition. Therefore, based on Wisconsin law, Wisconsin DPI guidance and the school district’s own policies, the gender identity curriculum must be age appropriate.

We believe that the curriculum is not age appropriate because it is not consistent with the physiological, cognitive and emotional capacity of 5th graders. Specifically:

1) Gender identity and expression, as well as pronoun usage, is too confusing and difficult for 5th graders to comprehend given the state of their brain and cognitive development.

2) Parts of this curriculum are being presented as settled science to children who do not have the capacity to objectively question the social and scientific premises that underpin gender identity.
3) 5th grade is a critical period for language development. Introducing a very recent social construct as standard English grammar (e.g., using the plural “they” instead of “he” or “she”) is both confusing and inaccurate, as well as a form of indoctrination.

4) The rationale for dropping the age at which this curriculum is taught is unclear and is inconsistent with the guidance currently published by the Wisconsin DPI, which continues to recommend GI instruction between grades 6-8 and is silent on pronoun usage. Instead, the district has adopted the most recent National Sex Education Standards, which offer scant evidence to justify lowering the age at which these issues are introduced.

5) Before adopting the national standards, there should be a clear reason for doing so that is well articulated, rooted in science and independently reviewed.

These arguments are discussed in detail in sections 2.2 - 2-6.
Age Appropriateness - Human Brain Development

The last structure of the human brain to develop, and most relevant to this appeal, is the **prefrontal cortex**. It is responsible for:

- Reasoning
- Logic
- Problem-solving
- Planning
- Memory
- Focus and attention
- Developing and carrying out goals
- Stopping impulses
- Developing personality

Basically, these are skills the brain uses to think, learn, remember, pay attention and solve problems. Together, they can be considered determinants of *intelligence*, something that evolves very gradually in children. In fact, the human prefrontal cortex is not fully developed until the age of 25 [6,7], placing cognitive development on a slow curve that starts in infancy. A fifth grader is not even halfway through this development cycle.

Given these facts, we should not expect children undergoing basic brain development to grasp extraordinarily complex and controversial concepts such as Gender Identity and Expression. Cartoons, such as ‘Gender - explained I CBC Kids News’, do not make these concepts any more understandable or relatable. How is an elementary age student who still believes in Santa Clause supposed to analyze whether their feelings and self awareness conform with their biological sex when they often don’t even possess the intellectual skills to discern fantasy from reality? If you presented this same child with a cartoon that exclaimed that a man could be a woman, and a woman could be a man, you would receive the same, confused response.
The brain of a fifth grader is nowhere near the level of development necessary to appropriately process the concepts and issues rooted in Gender Identity & Expression. For this reason, the board should not permit use of this controversial curriculum.
Age Appropriateness - Human Cognitive Development

Psychologist Jean Piaget published his groundbreaking theory on cognitive development in children in 1952[8]. It is the most well-known and influential theory of cognitive development to date. There are dozens of studies that both affirm and are critical of his work, but consistent among them is the concept that cognitive development is a process, involving biology and experience, that occurs over the course of childhood[9]. The construct of Gender Identity & Expression, introduced through this curriculum, which is infused with scientific and political complexity, is a challenging subject for adults to understand, let alone a 5th grader in the midst of formative cognitive development.

Based on the science of child cognitive and psychological development, and our own observations as parents, we believe 5th graders lack the maturity to process these complex topics in an informed, effective and healthy manner.

Furthermore, this curriculum is being presented as settled science (gender identity) or as accepted social norms (proper pronoun usage). Neither is true. Because many of the premises of the curriculum are debatable and unsettled, it should only be taught to students who have the cognitive ability to ask educated questions to their teachers and counselors. 5th graders lack this capacity.

It should also be noted that due to the complexity and confusing nature of Gender Identity and Expression issues, a 5th grader is more likely to unnecessarily and inappropriately question their sexual or gender identity. Young students are more susceptible to influences from social media and curriculum biases[10,11]. This is less likely to happen in later years when the child has greater cognitive capabilities and capacity. It is more appropriate for parents to manage these issues where questions can be consistently answered, context can be provided and behavior can be monitored.
Age Appropriateness - Pronouns, Grammar & Confusion

The Superior School District encourages the use of ‘gender pronouns’ as part of the controversial 5th grade curriculum. Such pronoun usage (e.g. using the plural “they” instead of “he” or “she”) is a recent social construct and is not recognized as part of standard English grammar.

Pronouns provide structure and context that help complete sentences when communicating with other people. Grammatically, pronouns such as ‘he’ and ‘she’ are defined by sex: they refer specifically to the biological sex of the referenced individual(s). Gender Identity has no sex, it is a feeling about your sex and can change at any time. Conversely, biological sex (specifically XX and XY chromosomes) does not change. Pronouns thus provide an ‘anchor’ that secures language to people, allowing us to more easily understand each other. Encouraging the use of gender pronouns fosters an environment that interferes with the easy flow and comprehension of language among children.

Part of a good education is learning correct grammar to facilitate the best possible communication through speaking, reading and writing skills. Elementary school is a critical time for the development of language skills. Introducing curriculum such as Kids Explain Pronouns [12], where pronouns do not have standard meaning, will produce unnecessary confusion. Frame such conversations in the context of Gender Identity, a complex biological, psychological and political topic, and that confusion is compounded.

For example, using the plural pronoun “they” when the subject is a singular individual will nearly always create confusion and make no sense without a great deal of context that effective language usage is meant to avoid. The sentence “They are coming to dinner:” when in fact “he” or “she” is coming to dinner illustrates this point.

To represent how remarkably confusing and unproductive the pronoun-related curriculum is, watch Kids Explain Pronouns [12] to the end.
Note that every pre-coached child is confused and the following exchange occurs at the 1:58 minute mark of the final conversation:

- Big girl: “Why do you think it is important for me to use she or he pronouns when I talk to you?”
- Little girl: “because it is not nice to call someone a he when it is a girl or whenever it is a boy”

The little girl is correct. It is not ‘nice’ or proper use of the English language to refer to a boy as a girl.

Divorcing the English language from reality and centuries of refined usage does not represent a scholarly, objective or open-minded approach to education. For this reason, the board should not permit use of this controversial curriculum.

**Age Appropriateness - Pronouns, Grammar & Respect**

‘Work, Respect, Belong’ is a tenant of the Superior School District’s *Positive Behavior Interventions and Supports* (PBIS) [13] initiative that is used to promote a positive school climate throughout the district. Students that follow the guidance provided in the curriculum video *Kids Explain Pronouns* are not being respectful to their fellow students when they use gender pronouns. As stated above, personal pronouns such as ‘he’ and ‘she’ are by definition binary, they associate a person to their biological sex. Gender Identity is not associated directly with biological sex and is - by the supporters of these curricula - fluid and subject to change. Telling a child that it is appropriate to use a pronoun that does not match the other child’s biological sex is to tell them to be dishonest with the other child. Being honest with yourself and others may be the most important lesson that parents teach their children.

Teaching children to base communication with other humans in truth and reality, using established linguistic principles fosters character building. Supporting the use of gender pronouns (e.g. referring to a biological boy as ‘she’ or ‘they’ instead of ‘he’) encourages disingenuous behavior between gender typical and gender atypical students. This does not foster respectful behavior as promoted by the Superior School District’s PBIS initiative.

For this reason, the board should not permit use of this controversial curriculum and, instead, invest time encouraging communication that uses time-tested standards, used over hundreds of
years, that treat all students the same. The same rational outcome can be achieved by simply following the current recommended state standards, that are modeled after the previous national standards (see appeal section 2.5), which promote communicating with LGBQT+ kids with respect but do not demand or encourage new pronoun usage.
Age Appropriateness - Deviation From Current DPI Standards

In her dismissal of the petition, the district administrator noted that the curriculum is aligned “with state and national standards”[14] - presumably Wisconsin DPI’s current HGD resource guide and the National Sex Education Standards (NSES), among other sources. Moreover, the district’s FAQ handout on gender identity topics [15] asserts that the Wisconsin DPI standards and the NSES standards are in alignment. However, on this particular issue they are not.

The Wisconsin Department of Public Instruction’s current published guidance was adopted from the previous national standards and recommends competence in gender identity issues by the end of the 8th or 12th grades, depending on the topic, not the 5th grade. In addition, the current DPI guidance and standards do not make recommendations on pronoun usage, but rather recommend that by the end of the 8th grade students should be able to:

Communicate respectfully with and about people of all gender identities, gender expressions and sexual orientations. [16]

All parents and teachers can agree that there is a significant difference in the emotional and cognitive abilities between students in the 5th and 8th grades. Therefore any reduction in the age at which these topics are taught and the introduction of pronoun usage requires an explanation that can be reviewed and challenged, both at the state and local level.

The district may respond that the Wisconsin DPI standards have not been updated and therefore it made sense to look at the national standards.

However, the definition of “age appropriate” includes not only a reference to the maturity of the students but also whether the material is consistent with community standards. Moreover, the relevant statute requires that an ad hoc review committee, composed of various local stakeholders, provide guidance on the curriculum. Taken together, the law essentially directs
local school districts to independently review standards and the curriculum to determine what makes sense for Superior.

It is possible (even likely) the Wisconsin DPI would simply adopt the national standards lowering the age at which gender identity issues are taught, but it has not. The Department's process for approving academic standards typically includes a thorough review by relevant professionals and stakeholders, as well as an opportunity for public comment [17]. It is unclear how much of that process was followed when the HGD standards were published in the Department’s resource guide. However, it does reflect best practices to ensure the review of standards by competent professionals and to subject standards to public comment and input. That process would ensure that community standards are a component of what should be considered “age appropriate.”

Perhaps this would not be a problem if the controversial issue was one which was previously reviewed. However, reducing the age at which children are exposed to gender identity issues and recommending specific pronoun usage is a new concept that must be reviewed within the context of Superior's community standards.

Rather than wait for the DPI to update its own published guidance, the district has simply chosen to adopt the national standards for the 5th grade.

Therefore, when the district states that its recommended curriculum is in line with DPI guidance, that position is unclear at best and disingenuous at worst, both because DPI has not updated its guidance/standards on these issues and because it's unclear the degree to which the ad hoc community review committee really did consider community standards when it adopted the NSES.
Age Appropriateness - Why Lower Age of Curriculum’s Introduction?

The rationale to drop the age for teaching the curriculum and introducing new recommended pronoun usage is not clear. The district’s desire to address the distress of LGBQT+ students and be inclusive of all students may justify some response, but it does not directly address why the 5th grade has suddenly become “age appropriate” for teaching gender identity issues or introducing novel pronoun usage.

A curriculum is not “age appropriate” simply because the district has conducted student surveys that identify a need within a subset of the student population or believe that promoting these issues in elementary school will have beneficial long-term social outcomes. These topics are only “age appropriate” if they match the emotional and cognitive abilities of all 5th graders and are consistent with community standards. Therefore, the district administrator’s reliance on surveys to justify the curriculum is insufficient.

Mimicking the national standards without further analysis assumes that the new standards are based on and supported by new, relevant and impartial data. Acting on such assumptions without independent review is an abdication of responsibility by the district, the community review committee and the school board.

The policy of lowering the age at which gender identity issues are introduced deserves to be independently reviewed and questioned. Why is reducing the age at which this curriculum is taught the correct answer (other than the national standards say so)? The district must review the science, reasoning and consequences of this significant change. What has happened in the last 10 years to justify this change? Does the district agree with the change and why? Simply adopting the change because it was published and endorsed by national advocacy groups is professional malpractice. Stating that there is ‘a need’ that should be addressed is also insufficient without explicitly addressing why these proposed changes to the curriculum are the correct and best response to meet that need.
An answer to these questions is particularly important because it is not clear why the national standards were revised to lower the age at which gender identity issues are taught.

The new national sex education standards (NSES) 2nd Edition, are opaque on the question of why the age was lowered and why new language usage is recommended, or what science backs up those changes. The document’s introductory section refers to “recent research” concerning what is “age appropriate.” The footnotes to that reference point to 4 studies. Although the complainants have not reviewed these references (we wonder whether any relevant decision makers or stakeholders within the district have), there appears to be only one study that is directly on point:


When discussing “what’s new” to the revised standards, the NSES makes only vague references that offer any insight into the rationale for lowering the age of the questioned curriculum or the introduction of new pronoun usage. For example, it offers the following statement that the revisions reflect:

continual evolution in language related to gender, gender identity, gender expression, sexual orientation, and sexual identity[18]

Citing a continual “evolution” in language does not explain or justify why the previous standard of communicating with all people in a respectful manner should be amended with commandments related to pronoun usage. Nor does it explain how this change is indeed evolutionary (in the span of 10 years no less) rather than merely the abrupt introduction by advocates of a new social construct masquerading as an accepted social norm.

We note the heavy participation of many LGBTQ+ groups in the creation and review of the revised standards, as well as the endorsement of these groups of the new standards (in fact, nearly one-third of the endorsements are from such groups)[19]. These are largely advocacy groups with what many would consider a politically-charged social agenda. We have no issue
with these groups sharing their perspective and participating in the review of the new standards. However, they are not authorities on child education, medical science or psychology and are therefore not a substitute for an analytical review of the contested revisions.

The list of contributors and reviewers is heavily weighted with sex education professionals and those representing advocacy organizations. However, there appears to be no medical doctors or scientists in the field of biology. The questions of gender identity and expression, including the condition of gender dysphoria, are by definition heavily influenced by child psychology, however there is exactly one credentialed psychologist out of 36 on the review panel. We do not see any contributor or reviewer who would have likely provided contrary feedback on the issue of lowering the age of the curriculum or introducing new pronoun usage. The composition of the committee appears perfectly designed for the type of group-think that is unlikely to ask hard questions or challenge accepted premises.

The revisions could be explained - in large part - by the new and overtly political nature of the expanded mission statement of the revised standards and the political nature of the groups that helped draft, review and endorse the new standards. This is explored further in section 2.7 of this document.
Indoctrination - Social & Political Advocacy vs. Settled Science & Accepted Norms

Gender Identity (GI) issues, including the biology and psychology of sex and gender identity, gender expression, and appropriate pronoun usage, are unquestionably controversial, as evidenced by this parent-supported complaint. Therefore, it falls squarely in the district’s “controversial issues” policy (Board Policy 2240).

According to that policy, the teaching of GI should avoid “indoctrination” or attempt to persuade students of a particular point of view. However, much of the curriculum does not entail settled science, nor does it espouse universally accepted social norms. For example, if a boy believes he may be a girl, or feels like a girl, is he in fact a girl? The answer may be partly biological, partly psychological and partly social. In other words, it’s deeply complex. The extent to which a mental state or a feeling is psychological or physiological and how health professionals, parents and other students should react to that boy’s declaration, and therefore what is in the best interest of that boy, is debatable.

Moreover, the wisdom of telling - let alone compelling - others to use the pronoun of that boy’s choosing is far from a universally accepted practice, unlike, for example, teaching students to respect another student by keeping their hands to themselves (a universally accepted social norm) or washing hands to prevent the spread of disease (practical advice rooted in established science). Rather, it is a new concept of social interaction that is driven by advocates with an ideological and undeniably “progressive” agenda. Perhaps that agenda will gain general acceptance some day and be considered common sense. That day, however, has not arrived and its teaching today takes on a decidedly political nature that may easily be considered indoctrination.

This curriculum is being presented as settled science (gender identity) or accepted social norms (proper pronoun usage). Neither is true. Case in point, a recent analysis published by two of the world’s leading clinical scientists examined research from the biological, psychological, and social sciences[20]. The authors explain that some of the most frequent claims about sexuality and gender are not supported by scientific evidence. Was this report referenced during the
formulation of the curriculum? Was an impartial clinical professional present that could speak to the report’s findings as it related to the proposed curriculum? There are nearly 400 citations included in the publication and it (the publication) is not an aberration. A great deal of clinical and social science data exists that contradicts information that the District uses to validate the controversial curriculum.

Because the social and scientific basis for this curriculum is not settled, its promotion seems designed to advance an activist agenda; to shape the thinking and behavior of students at an early age in order to promote what its advocates believe are positive long-term societal outcomes. Because many of the premises of this controversial curriculum are debatable and unsettled, it should only be presented to students who have the emotional and cognitive ability to formulate educated questions for their teachers. 5th graders lack this capacity and, for that reason, the curriculum is not age appropriate.

Upending pronoun usage established over hundreds of years in order to promote a tenet of so-called social equity - which has only emerged in the last few years - interferes with the development of those language skills.

Evidence of a political/social agenda bubbles up from the new NSES. The revised standards, after which the district’s standards and curriculum are modeled, are inspired by a self-declared and very specific social agenda. Many of the organizations that have helped develop the standards are advocacy organizations with explicit missions that are primarily related to social and political change, not science or child education.

There are many appropriate forums to honestly discuss, debate and teach sensitive topics designed to promote new scientific theories and proper social behaviors. However, we believe that elementary school is not the appropriate forum for such advocacy. The Future of Sex Education, the umbrella group that brought together various professionals and advocates to revise the standards, states in its introduction that new topics in second edition reflect:

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3 Promoters of the curriculum may believe it will reduce bullying, help LGBTQ+ students better relate to their own personal struggles and promote tolerance by exposing all students to those who are different from themselves. However, as we have noted repeatedly in this appeal, these goals do not explain why this curriculum is the best approach to achieve those goals, particularly in light of the contentious science underpinning it, nor why this approach is age appropriate for all 5th grade students.
Inclusion of power and privilege, conscious and unconscious, bias, intersectionality, and covert and overt discrimination and the principles of reproductive justice, racial justice, social justice and equity [18].

This mantra of social justice is repeated continuously throughout the revised standards. And although an ostensibly benign word like “equity” has a different meaning to different people, there is absolutely no debate that such words and phrases are firmly planted in the lexicon of those advocating what is generally accepted as a “progressive” agenda. Progressives by definition seek to change society more quickly than the general public and public education is a key target for those reforms. These concepts are at the cutting edge of liberal thought in contemporary America. They do not reflect cultural consensus -- rather, they attempt to move the needle on opinion in America. Therefore it is not surprising that the NSES states that the educational experience should be grounded in social justice and equity[21].

The new national standards therefore have a clear ideological perspective on some of the new topics; particularly when it comes to gender identity and pronoun usage, and the age at which those topics should be discussed. Therefore teaching these controversial issues in a manner that presents them as either settled science or as accepted cultural norms is a form of “indoctrination” - that is, the teaching of a person or group to accept a set of beliefs uncritically.
3.0 - Best Practice - Supporting All Students

If there were no issues associated with Gender Identity & Expression, there would be no need to address it. But there are. Students expressing themselves differently, and other mal-behaved students mocking them for doing so, is a scenario that has played out in all schools, since the creation of school. Gender Identity & Expression can, however, play out in more personally harmful ways than the unacceptable mocking of a non-conformist student, such as:

Gender Dysphoria (GD) - *Refers to the distress induced by a strong desire to identify as something other than one's sex, preferring the typical dress and social activities of the opposite sex, or having a desire to change one's body to appear to be the opposite sex (transition).*[22]

Gender Dysphoria is a real condition that can make Gender Identity & Expression very consequential from a health perspective. But whether it is a student expressing feelings about her biological sex or a more serious psychological manifestation of these feelings (GD), management of the issue in the school setting, should not differ from any other mental, psychological or social hardship that students might face (e.g. anorexia, depression, autism, etc). If a student is in need of mental health services – facilitate delivery of services. If the student is harassed by another student – address it directly with discipline and behavioral interventions. And for every other conceivable circumstance encourage use of the most successful best practice since the beginning of time – The Golden Rule. All means all. Treat all students the same. Treat all with respect and compassion. Implementation of curriculum, presented to every student, with the objective of preventing issues associated with Gender Identity & Expression is unnecessary.

The following is a summary of **three primary concerns** used to justify the need for establishing Gender Identity & Expression curriculum. An alternative, common sense approach (best practice) to the implementation of the controversial curriculum is included with each summary.
Suicide Risk

- Any justification of Gender Identity & Expression content centers on the topic of suicide. The Superior School District is no exception. The District implies, through multiple official documents, that if the controversial curriculum is not offered, students expressing their gender in an atypical manner will be at higher risk of harming themselves or by others[14,15,23]. The risk of suicide is real and should always be taken seriously. This risk is elevated among individuals experiencing mental health issues such as GD. That said, context and contrary scientific data on this subject are absent from the data used by the district to justify this curriculum.

- Data the district should objectively research in order to reexamine justification for implementing the controversial curriculum:
  - Suicide risk among trans-identified youth is less than or comparable to that of other at-risk groups of youth[24,25].
    - Being trans-identified increases suicide risk by a factor of 13
    - Anorexia increases risk by a factor of 18-31
    - Depression multiplies it by a factor of 20
    - Autism raises the risk by a factor of 8
  - Children with gender dysphoria often also have depression, anorexia, autism, and other psychological conditions predisposing them to suicide[26,27].
    - Suicide among trans-identified youth may be due to the dysphoria, but maybe not — it could stem from the other psychological conditions or a combination of both.
  - Prevention of suicide for trans-identified youth is the same as for other youth: talk therapy and FDA-approved psychiatric medications[28].
    - As reported by the American Foundation for Suicide Prevention, “Ninety percent of people who die by suicide have an underlying — and potentially treatable — mental health condition[29,30].” One study found that 96% of U.S. adolescents who attempt suicide suffer from at least one mental illness[31]. There is no evidence that trans-identified children who commit suicide are any different [27].
  - Current research shows the effectiveness of psychotherapy for resolving gender dysphoria in children and adolescents[32].
    - A 2019 study confirms the findings of 16 studies dated 1969-2012, all showing that psychotherapy can be highly effective in treating underlying
causes of gender incongruence such that trans-identifying patients embrace their biological sex [33].

○ Suicide is prone to social contagion, meaning the more it occurs and is talked about, the more likely vulnerable kids will kill themselves [34,35].

● Common sense, best practice to address the concern:

○ Encourage use of the Golden Rule and teach respect for everyone, regardless of how they express themselves. Address any harassment directly with the perpetrator.

○ Take any threat of suicide, from any student, seriously. Ensure resources are available to facilitate addressing any underlying mental illness. Maintain an objective data gathering approach on the subject and avoid amplifying activist/agenda driven information that may lead to social contagion effect in children.

Stereotypes & Stigma

● Quote used by the district and district administrator to justify rejection of the original curriculum complaint [14,23]:

○ Research suggests that narrow views of gender and the reinforcement of gender stereotypes in young children can lead to gender-based harassment.

● Quote used by the district to justify implementation of the controversial curriculum [15]:

○ LGBTQ youth are considered to be at higher risk of suicide due to stigma and discrimination from family, peers, staff, and society.

● Research does not support the claim that trans-identified teens are more likely to commit suicide because of the stigma society puts on them.

○ An exhaustive review of all the research on this topic by psychiatrist Dr. Paul McHugh and epidemiologist Dr. Lawrence Mayer reached this conclusion: “[I]t is impossible to prove through these studies that stigma leads to poor mental health, as opposed to, for example, poor mental health leading people to report higher levels of stigma, or a third factor being responsible for both poor mental health and higher levels of stigma [20,36].”

○ A 2014 study by Hatzenbuehler, et al., claimed an average life expectancy reduction of 12 years for sexual minorities living in areas with suspected prominent anti-gay sentiment [37]. But this study was so thoroughly debunked by the scientific community that the medical journal eventually retracted it: “Re-analysis confirmed that the original finding was erroneous and the authors
wish to fully retract their original study accordingly.” Nevertheless, citations of Hatzenbuehler’s false conclusions persist, including in Supreme Court briefs.

- Even without these studies, the argument that “stigma” drives trans-identified youth to suicide simply doesn’t make sense. Epidemiologist Hacsi Horvath points out that the suicide rates for such adolescents were significantly lower in 1950, “when gender roles, sex-specific dress codes, laws regulating sexuality and other aspects of social control were much more rigidly ‘enforced’” than they are now[25]. If social rejection didn’t cause suicide then, why would a much diminished level of social rejection cause suicide now?

- History of this concern in the Superior School District:
  - Students making fun of other students is nothing new to our school environment and it is never acceptable.

- Common sense, best practice to address the concern:
  - Encourage use of the Golden Rule and teach respect for everyone, regardless of how they express themselves. Address any harassment directly with the perpetrator.

### Bullying

- Quote used by the district and district administrator to justify rejection of the original curriculum complaint[14,23]:
  - Research suggests that narrow views of gender and the reinforcement of gender stereotypes in young children can lead to gender-based harassment. Our district is committed to creating an environment that is inclusive and welcoming to all students and families and free from harassment and bullying.

- History of this concern in the Superior School District:
  - Students bullying other students is nothing new to the school environment and it is never acceptable.

- Common sense, best practice to address the concern:
  - Encourage use of the Golden Rule and teach respect for everyone, regardless of how they express themselves. Address any harassment directly with the perpetrator.
  - Address the bully and the behavior directly. Do not punish the overwhelming balance of respectful kids because of the behavior of a few. For example:
Bullying behavior observed >> Teacher or staff tells student to cease the behavior (e.g. “Stop. We don’t treat people that way.”) >> Second incident observed >> Student sent to detention or principal’s office >> Behavior persists >> Suspend the student >> Behavior rises to level of assault >> Expulsion and / or involvement by the police.

The district has failed to objectively research the stated primary concerns that prompted implementation of the controversial curriculum. Common sense best practice for managing issues that may arise when students express gender in an atypical manner already exists. Gender Identity & Expression curriculum is an unnecessary mitigation strategy. For these reasons, the board should discontinue use of the controversial curriculum. Treat all students the same. Use the Golden Rule, grounded in judicious use of discipline.
4.0 - Prospective Remedies

As detailed in this appeal, the controversial curriculum is inappropriate, unjustified and unnecessary. A list of prospective remedies is provided below for the board’s convenience:

- Remove Gender Identity & Expression content from Human Growth & Development curriculum from all grades.
- Remove Gender Identity & Expression content from Human Growth & Development curriculum through the 7th grade. This adheres to current DPI standards.
- Supplement current Gender Identity & Expression content with additional, evidence-based alternatives. This would include information and data from organizations and scientists that counter the progressive activist-generated information that the district uses as justification for the controversial curriculum. This will promote open-mindedness and healthy debate among those mature enough to formulate educated questions on these topics.
- Convene a curriculum review committee that represents actual diversity of thought, expertise and experience; a group willing and able to perform objective, unbiased research. Original members of the recently convened committee, and those that selected them, should have no role in this process. See section 1.2 for rationale. Parental involvement should be substantial to factor in community standards.
- Change the student participation format from a parental / guardian opt out to an opt in. With adequate transparency of the curriculum, this will allow parents to make informed decisions on participation.
  - This option is not forbidden by state statute as stated by the district’s attorney. See section 4.1 for more information.
  - There is precedent for this practice in the state of Wisconsin. See section 4.1 for more information.
- Ultimately, follow community standards and district precedent; use common sense, well established best practice for mitigating unacceptable child behavior. See section 3.0.
4.1 - Prospective Remedies - Parental / Guardian Opt In

Changing the Gender Identity & Expression Curriculum from Opt Out to Opt In

As detailed in this appeal, the controversial curriculum is inappropriate, unjustified and unnecessary. In the event the curriculum is reviewed and updated to comport with school board policy 2240, consider changing the student participation format from a parental / guardian opt out to an opt in.

As written in this appeal, the gender identity curriculum is controversial. The curriculum does not teach well established and objective science or promote universally accepted social behavior. It is inspired by an activist agenda designed to change society at large by reforming the manner in which these topics are addressed in school. It therefore stands apart from the other HGD topics that are rooted in sound science or over time have become generally accepted, or at least less controversial.

For this reason the gender identity curriculum deserves more scrutiny by parents and an increased level of knowing participation. This can be achieved by switching the approval process for a child’s instruction from the current opt out to an opt in.

The district’s legal counsel has written that an opt in option is “expressly forbidden” in the statute. This is inaccurate because the law is silent on the topic. The statutes do not expressly prohibit the opt in format.

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District attorney’s statement from June 3, 2022: “… we do note that what appears to be the remedial request of one of the reasons for objection, is expressly prohibited by Wisconsin statute. Wisconsin Statute § 118.019 (4) reads: No pupil may be required to take instruction in human growth and development or in the specific subjects under subs. (2 & 2m) if the pupil’s parent or guardian files with the teacher or school principal a written request that the pupil be exempted. Pursuant to that statute, parents have a right to request in writing an exemption – commonly referred to in this and similar contexts as “opting out” – a pupil from human growth and development curriculum. That is a personal decision of a family and a student. The school board cannot legally require the reverse. That is, students cannot be compelled to “opt-in” to curricula already selected. Any suggestion of “opting-in” effectively reverses the burden, and could be construed as denial of a free and appropriate public education, and would be inconsistent with statutory law”
Teaching the HGD curriculum is generally discretionary and gender identity topics, in particular, are not required to be taught. Moreover, the relevant statute appears designed to empower parents by allowing them to “opt out” their children from the curriculum. This, however, is only one of several possible mechanisms to enable parents. If the statutory intent is to enable parental oversight, then logically the statute also permits school districts to devise more creative, meaningful and effective formats to strengthen that oversight.

The opt out should be considered the minimum safeguard required by law to ensure parental oversight, not the only possible safeguard. Had the legislature wanted to prohibit the opt in, it could have done so. Rather, it created a generally discretionary, rather than prescriptive, statute designed to provide flexibility to school districts in the administration and development of the curriculum and to ensure parental and community oversight.

Legal counsel for the district writes that allowing an opt in would “reverse the burden” by forcing students to opt in to curricula and thereby possibly denying some students a free education. However, the HGD statute is written to ensure that some children will not be taught this particular curriculum if their parents object. This is a carefully crafted exception to whatever general legal principle counsel is attempting to articulate when he argues that an opt in is illegal because it denies students an education. The burden is not “reversed” for children because on this particular issue they are not the final decision maker. Rather, it changes the nature of the burden to require parents to make a deliberate decision to expose their children to these topics. And perhaps it increases the burden on the school district to make sure parents are aware of the curriculum and the need to make a decision on their child’s participation.

Simply put, the curriculum would remain available to any student whose parent wants their child to participate. The difference is that an opt in format generates clear and knowing permission whereas the status quo teaches the curriculum by default to students whose parents would likely not approve of that participation.

We appreciate that the Wisconsin DPI has taken the position that an opt in is contrary to the spirit of the statute. However, we suspect that the department’s position is likely driven by its

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5. S. 118.019 (2), Wis. Stats reads “A school board may provide an instructional program in human health and development …” (emphasis added) See also, s. 118.019 (4) for the opt out requirement.
preferred policy outcome rather than any settled law on this topic. Regardless, the school board is not required to follow the informal advice of the department.

Finally, there is precedent for this practice in Wisconsin. The Cedarburg School District has in place an opt-in/opt-out format which prompts a parent to make a decision on sensitive HGD topics at the point of registration. The Cedarburg School District uses the Skyward system for its annual student registration. With adequate transparency of the curriculum, this allows parents to make an informed decision on participation in a convenient and timely manner. We support this as a viable alternative to the district’s current opt out format.

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Contact for more information - Alan Groth, Director of Curriculum and Instruction, Cedarburg School District, W68 N611 Evergreen Blvd., Cedarburg, WI 53012, Phone 262-376-6112
5.0 - Closing Summary

We ask that members of the school board consider the following arguments which favor an independent review of the curriculum and the adoption of one or more of the suggested remedies:

1) The curriculum review committee’s recommendation and subsequent decision forwarded by the administrator to the Board of Education was not an impartial nor thorough consideration of the parent’s arguments. Section 1.2

2) The curriculum does not meet the district’s own standards for teaching controversial issues. Section 2.0

3) Based on Wisconsin law, Wisconsin DPI guidance and the school district’s own policies, the Gender Identity & Expression curriculum must be age appropriate. It is not. Section 2.1

4) The brain of a fifth grader is nowhere near the level of development necessary to appropriately process the concepts and issues rooted in Gender Identity & Expression. Nor do they have the cognitive or emotional maturity to ask the right questions or to challenge teachers and counselors about these unsettled, controversial and confusing topics in a school setting. Section 2.2 and Section 2.3

5) The use of gender pronouns divorces language from reality and undermines the teaching of correct and widely accepted principles of grammar. The use of a selected gender pronoun is confusing to 5th graders and open to the changing preferences of those selecting the pronoun -- a particularly salient issue when dealing with elementary children. Section 2.4

6) The district states that its recommended curriculum is in line with DPI guidance. This is incorrect. The recommended age at which children are exposed to Gender Identity & Expression was lowered to fifth grade based on the new national standards, not DPI’s currently published guidance. Similarly, the district’s current encouragement of the use
of gender pronouns is not part of current DPI recommendations. When and if DPI updates its published guidance for HGD curriculum standards, presumably such review will be informed by professionals and other stakeholders (e.g., parents) in Wisconsin. Such a review would necessarily take into account the statutory definition of “age appropriate,” which includes the emotional maturity and cognitive abilities of the target student audience, as well as community standards for the curriculum. Section 2.5

7) The new national standards do not adequately explain why the age was lowered and why new language usage is recommended. The district should suspend the curriculum until it can conduct its own independent review of why the standards were changed for the GI curriculum and determine whether those changes are well grounded in new and objective research and are consistent with the requirement that they be age appropriate. Section 2.6

8) The new national standards have a clear and self-proclaimed ideological perspective on the topics of gender identity, pronoun usage and the age at which those topics should be discussed. The district uses these standards to justify the existence of the curriculum. Teaching these controversial issues in a manner that presents them as either settled science or as an accepted cultural norm is a form of “indoctrination” -- that is, the teaching of a person or group to accept a set of beliefs uncritically. This violates School Board Policy 2240 and for that reason should be suspended and undergo an independent and impartial review. Section 2.7

9) The district has failed to objectively research the stated primary concerns that prompted implementation of the controversial curriculum. Common sense, time tested best practice for managing issues that may arise when students express gender in an atypical manner exist. Gender Identity & Expression curriculum is an unnecessary mitigation strategy. For these reasons, the board should discontinue use of this controversial curriculum. Treat all students the same. Use well established best practice. Section 3.0

10) We support the suspension and independent review of the GI curriculum. However, we also urge changing the student participation format from a parental / guardian opt out to an opt in. With adequate transparency of the curriculum, this will allow parents to make
informed decisions on participation. As clearly stated in section 4.1, this is allowed by state law and there is precedent for this practice in Wisconsin. **Section 4.1**

By implementing Gender Identity & Expression curriculum, the Superior School District has demonstrated a lack of academic rigor, objectivity, open-mindedness and impartiality. The controversial curriculum is inappropriate, unjustified and unnecessary as currently presented to our students. Keep it simple. Teach the Golden Rule and ground it in the judicious use of discipline.
Section 1.1 Timeline of Original Curriculum Complaint

2. Gender Identity, Google Slides, Superior School District, Shared by Kryssi Plasch, https://docs.google.com/presentation/d/1YLU4oCH8baJI6PU0tOXf6385aOgf28Y6WQQnuitzV9U/edit?usp=sharing

Sections 2.0 - 2.1 Controversial Issues, SSD Board Policy 2240 - Age Appropriateness - Wisconsin Law, DPI Guidance & SSD Policy

3. YouGov poll conducted on April 5-8, 2022 p17.

Section 2.2 Controversial Issues, Age Appropriateness - Brain Development


Section 2.3 Controversial Issues, Age Appropriateness - Cognitive Development

https://doi.org/10.1371/Journal.pone.0202330

https://imprimis.hillsdale.edu/gender-ideology-run-amok/

**Section 2.4** Age Appropriateness - Pronouns, Grammar, Confusion & Respect

12. Kids Explain Pronouns. Soyheat, website:  
https://www.youtube.com/watch?v=64-WXswR_fA

13. School District of Superior, Positive Behavior Interventions and Supports (PBIS), website:  
https://www.superior.k12.wi.us/cms/one.aspx?portalId=173699&pageId=17293523

**Section 2.5** Age Appropriateness - Deviation From Current DPI Standards

14. Public complaint regarding instructional materials, June 23, 2022, Dr. Amy Starzecki, District Administrator.

https://drive.google.com/file/d/1raytgEU0bfTSw_7nJNfN3TKgN6M4oFe/view?usp=sharing

https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/hgedition5.pdf - (see Section 6.1 Appendix)

17. Wisconsin DPI's website includes a summary of the process by which standards are reviewed and published. See “Wisconsin Academic Standards Review and Revision Process” -  

**Section 2.6** Age Appropriateness - Why Lower Age of Curriculum’s Introduction?

18. NSES: Core Content and Skills, K–12, 2nd Ed (2020) p.8,  

19. NSES: Core Content and Skills, K–12, 2nd Ed (2020) p.3-4,  
Section 2.7 Indoctrination - Social & Political Advocacy vs. Settled Science & Accepted Norms

20. Lawrence S. Mayer, M.B., M.S., Ph.D. & Paul R. McHugh, M.D., “Sexuality and Gender - Findings from the Biological, Psychological, and Social Sciences”, The New Atlantis, No50, Fall 2016, webpage:


Section 3.0 Best Practice - Supporting All Students

22. Malone, W. “Gender Dysphoria Resource for Providers 3rd Edition,” accessed on August 9, 2019, website:


27. Cretella, M.MD. (2018), Gender Dysphoria in Children. American College of Pediatricians – November 2018


   https://www.cambridge.org/core/journals/psychological-medicine/article/psychological-autopsy-studies-of-suicide-a-systematic-review/49EEDF1D29B26C270A2788275995FDEE

results from the National Comorbidity Survey Replication Adolescent Supplement.
JAMA Psychiatry. 2013 Mar;70(3):300-10,
https://jamanetwork.com/journals/jamapsychiatry/fullarticle/1555602

32. Clarke, A. & Spiliadis, A., “‘Taking the Lid Off the Box’: The Value of Extended Clinical
Assessment for Adolescents Presenting With Gender Identity Difficulties,”

33. Robbins, JW. Esq., Broyles, VR. Esq. The Myth About Suicide and Gender Dysphoric
https://acped.org/assets/for-GID-page-1-The-Myth-About-Suicide-and-Gender-Dysphoric-
Children-handout.pdf

34. https://4thwavenow.com/2017/09/08/suicide-or-transition-the-only-options-for-gender-
dysphoric-kids/

on Non-Suicidal Self-Injury: A Review of the Literature, Archives of Suicide Research,
17:1, 1-19, DOI: 10.1080/13811118.2013.748404

36. Mayer, L. & McHugh, P., “Executive Summary,” Sexuality and Gender: Findings from the
Biological, Psychological, and Social Sciences, The New Atlantis, (50) Fall 2016. PP 7-9,

sexual minority populations,” Social Science & Medicine,
https://doi.org/10.1016/j.socscimed.2013.06.005).

- DPI recommendations for the fifth grade do not include topics of gender identity and expression or anything related to gender pronoun usage.
6.2 - Appendix - Current DPI Recommendations vs. NSES

The recommendations that the district adopted for 5th grade ‘Gender Identity & Expression’ curriculum originate from NSES: Core Content and Skills, K–12. See table below.

- See appendix 6.1 for current DPI recommendations for fifth grade ‘Identity’ instruction. These tables do not align. See sections 2.5 & 2.6 for more information.

#### GENDER IDENTITY & EXPRESSION

<table>
<thead>
<tr>
<th>BY THE END OF THE 2ND GRADE, STUDENTS SHOULD BE ABLE TO:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Define gender, gender identity, and gender role stereotypes</td>
</tr>
<tr>
<td>01.2.CC.1</td>
</tr>
<tr>
<td>Discuss the range of ways people express their gender and how gender-role stereotypes may limit behavior</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BY THE END OF THE 5TH GRADE, STUDENTS SHOULD BE ABLE TO:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distinguish between sex assigned at birth and gender identity and explain how they may or may not differ</td>
</tr>
<tr>
<td>01.5.CC.3</td>
</tr>
<tr>
<td>Identify trusted adults, including parents and caregivers, whom students can ask questions about other gender roles, stereotypes, gender identity, and gender expression</td>
</tr>
<tr>
<td>01.5.AC.1</td>
</tr>
<tr>
<td>Demonstrate ways to treat people of all genders, gender expressions, and gender identities with dignity and respect</td>
</tr>
<tr>
<td>01.2.DD.1</td>
</tr>
</tbody>
</table>

**NOTE** - the District informs every parent that the DPI standards are in “alignment” between DPI and NSES standards. This is incorrect.

### School District of Superior

#### Gender Identity Lessons FAQ

**What does the school district currently teach in regards to gender identity?**

We use Wisconsin Model Academic Standards and Wisconsin DPI’s Human Growth and Development Unit Instruction curriculum, which is in alignment with the National Sexuality Education Standards [NSES]. The outcomes for gender identity and expression by grade level can be found in this [document].