State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-2344/1
FFK:cdc

2025 SENATE BILL 120

March 7, 2025 - Introduced by Senators JACQUE and TOMCZYK, cosponsored by Representatives DITTRICH, BEHNKE, B. JACOBSON, KREIBICH, MAXEY, O'CONNOR, TUSLER, MURSAU and GOEBEN. Referred to Committee on Education.

AN ACT ***to create*** 118.1255 of the statutes; **relating to:** school board policies related to changing a pupil's legal name and pronouns.

Analysis by the Legislative Reference Bureau

By July 1, 2026, this bill requires school boards to adopt 1) a policy related to the conditions under which a school board will change a pupil's legal name or legal name and pronouns in official school records (legal name and pronoun records policy) and 2) a policy related to the conditions under which a school board will allow school staff to regularly use or refer to a minor pupil by a name other the pupil's legal name or by pronouns other than the pronouns provided at the time the pupil first enrolled in the school district (name and pronoun usage policy).

The bill requires that a school board include certain provisions in its legal name and pronoun records policy. Under the bill, a school board's legal name and pronoun record policy must include 1) that the initial determination is made by the principal of the school the pupil attends, 2) that the principal may only approve the change if the documentation of a legal name change is provided or, if such documentation is not provided, an affidavit is provided stating, among other things, that the pupil legally changed the pupil's name and that it was not for a fraudulent purpose or to interfere with the rights of others, 3) for a minor pupil, a requirement that the school board make a reasonable attempt to provide each of the minor pupil's parents and legal guardians with an opportunity to provide information in

favor of or against approving the requested change; and 4) a process to appeal a principal's decision to deny a request to the school board.

The bill also specifies provisions that a school board must include in its name and pronoun usage policy. Under the bill, a school board's name and pronoun usage policy must 1) state that a minor pupil's parent or legal guardian determines the names and pronouns school staff are allowed use to refer to the minor pupil during school hours and 2) prohibit school staff from referring to a minor pupil by a name or pronoun that does not align with the pupil's biological sex without written authorization from the pupil's parent or guardian. A name and pronoun usage policy does not need to require written authorization for school staff to use a shortened version of a minor pupil's legal first or middle name to refer to the pupil.

Finally, the bill explicitly states that nothing in the bill may be construed to limit the rights of pupils, parents, or guardians under the Family Educational Rights and Privacy Act, the federal law the protects pupil records.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 118.1255 of the statutes is created to read:

118.1255 Pupil name change and pronoun usage; policies. (1) In this section, "official school records" has the meaning given for "pupil records" in s. 118.125 (1) (d).

(2) By July 1, 2026, each school board shall adopt a policy related to the conditions under which the school board will do each of the following:

(a) Change a pupil's legal name or a pupil's legal name and pronouns in official school records.

(b) Allow school board employees to regularly use or refer to a pupil who is a minor by a name other than the pupil's legal name or by pronouns other than the pronouns provided at the time the pupil first enrolls in the school district.

(3) A school board shall include at least all of the following in a policy adopted under sub. (2) (a):

(a) An initial request to change a pupil's legal name or pronouns on official school records shall be made to the principal of the school the pupil attends.

(b) A pupil's official school records shall be maintained under a pupil's legal name and the pronouns provided at the time the pupil first enrolls in the school district, unless any of the following apply:

1. A pupil's parent or guardian submits a request to change the pupil's name in official school records due to a change in the pupil's legal name in writing and provides documentation of the pupil's legal name change.

2. If a pupil or the pupil's parent or guardian does not provide documentation of the pupil's legal name change and the pupil is 18 years of age or older, the pupil provides an affidavit that includes the pupil's former legal name and the pupil's new legal name and affirms all of the following:

a. The pupil has changed the pupil's legal name.

b. The pupil consistently uses the new legal name for all official purposes.

c. The pupil is not a registered sex offender.

d. The pupil has not changed the pupil's legal name for a fraudulent purpose or in order to interfere with the rights of others.

3. If a pupil or the pupil's parent or guardian does not provide documentation of the pupil's legal name change and the pupil is younger than 18 years of age, each parent or legal guardian of the pupil provides an affidavit that includes the pupil's former legal name and the pupil's new legal name and affirms all of the following:

a. The pupil has changed the pupil's legal name.

b. The pupil consistently uses the new legal name for all official purposes.

c. Neither the pupil, nor the parent, nor the guardian is prohibited by law from changing the pupil's name.

d. The pupil has not changed the pupil's legal name for a fraudulent purpose or in order to interfere with the rights of others.

(c) For a pupil who is under 18 years of age, before approving a request to change the pupil's legal name or the pupil's legal name and pronouns in official school records, the school board shall make a reasonable attempt to notify each of the pupil's parents and legal guardians who have a right to access the pupil's official school records under s. 118.125 (2) and provide an opportunity for each parent or legal guardian to present any additional records or documentation to the school board before the school board approves or denies the request.

(d) If a request for a pupil name change does not include documentation of a legal name change and the pupil's parents or guardians do not all support the request to change the pupil's legal name or the pupil's legal name and pronouns in the pupil's official school records, a principal or school administrator shall deny the request.

(e) A principal or school administrator may not change a pupil's legal name or pronouns in official school records unless the policy adopted under sub. (2) (a) and any procedures developed to implement the policy have been followed.

(f) A procedure under which a parent, legal guardian, or pupil may appeal the denial of a request to change the pupil's legal name or the pupil's legal name and pronouns in official school records to the school board. A school board shall treat an appeal under this paragraph in the same manner as a request to correct or delete

information in official school records that is inaccurate, misleading, or otherwise in violation of the privacy rights of students under 20 USC 1232g.

(4) A school board shall include at least all of the following in a policy adopted under sub. (2) (b):

(a) A pupil's parent or legal guardian determines the names and pronouns school staff may use to refer to the pupil who is a minor during school hours.

(b) During school hours, school staff may not refer to a pupil who is a minor by using a name or pronouns that do not align with the pupil's biological sex without written authorization from the pupil's parent or legal guardian.

(c) Written authorization from a parent or legal guardian is not required under par. (b) to refer to a pupil using a shortened version of the pupil's legal first or middle name.

(5) This section may not be construed to impair the rights of pupils, parents, or guardians under 20 USC 1232g.

(END)