

2024 Regular Session

HOUSE BILL NO. 121

BY REPRESENTATIVE CREWS

EDUCATION: Provides relative to the use of certain names and pronouns for students

1 AN ACT

2 To enact R.S. 17:2122 and 3996(B)(82), relative to education; to require school employees
3 to use certain names and pronouns for students unless parents have provided written
4 permission to do otherwise; to provide that a school employee shall not be required
5 to refer to any person by certain pronouns if contrary to the employee's religious or
6 moral convictions; to require each public school governing authority to adopt
7 policies; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. This Act shall be known and may be cited as the "Given Name Act".

10 Section 2.(A) The legislature finds that:

11 (1) The Fourteenth Amendment of the Constitution of the United States of
12 America protects the right of parents to direct the care, upbringing, education, and
13 welfare of their children.

14 (2) The United States Supreme Court has held that: "[T]he Due Process
15 Clause does not permit a State to infringe on the fundamental right of parents to
16 make child rearing decisions simply because a state judge believes a 'better' decision
17 could be made". *Troxel v. Granville*, 530 U.S. 57, at 72-73 (plurality op.).

18 (3) The United States Supreme Court has explained that the liberty specially
19 protected by the Due Process Clause of the Fourteenth Amendment of the
20 Constitution of the United States of America includes the right "to direct the

1 education and upbringing of one's children". *Washington v. Glucksberg*, 521 U.S.
2 702, 720 (1997).

3 (4) In *Garcetti v. Ceballos*, 547 U.S. 410 (2006), the United States Supreme
4 Court has held that public employees do not retain First Amendment protection for
5 speech uttered in the context of their official duties as they are not speaking as public
6 citizens.

7 (5) Individuals under the age of eighteen are minors, and the courts have
8 recognized their immaturity and the unique nature of the public school setting.

9 (B) It is the intent of the legislature that the public education system uphold
10 the constitutional and long-recognized rights of parents and that appropriate
11 limitations be set on employee speech within the context of public education.

12 Section 3. R.S. 17:2122 and 3996(B)(82) are hereby enacted to read as follows:

13 §2122. Pronouns and names; biological sex; parental permission; policies

14 A. As used in this Section, the following terms have the following meanings:

15 (1) "Employee" means any individual working in any capacity at a public
16 school, whether paid or as a volunteer, including but not limited to teachers and other
17 school employees, school bus operators, extracurricular personnel, and independent
18 contractors.

19 (2) "Parent" means a student's parent or legal guardian.

20 (3) "Sex" means a person's biological sex as listed on his original birth
21 certificate.

22 (4) "Student" means a public school student under the age of eighteen who
23 has not been legally emancipated.

24 B.(1)(a) An employee shall use the name, or a derivative thereof, for a
25 student that is listed on the student's birth certificate unless the student's parent
26 provides written permission to do otherwise.

27 (b) An employee shall use the pronouns for a student that align with the
28 student's sex unless the student's parent provides written permission to do otherwise.

1 (2) If a teacher objects to using a pronoun for a student based on the teacher's
2 religious or moral convictions, the student's parent may request a transfer to another
3 teacher.

4 (3) Nothing in this Subsection shall be construed to prohibit employees from
5 discussing matters of public concern outside the context of their official duties.

6 (4) Any individual aggrieved by an intentional violation of this Subsection
7 may seek relief. However, a school employee shall not be held liable if the
8 administration fails to provide information provided in Paragraph (1) of this
9 Subsection.

10 C. Each public school governing authority shall adopt policies for
11 implementing the provisions of this Section.

12 D. Employees are prohibited from discussing the application of this Section
13 relative to a student's preferred name and pronouns with other students.

14 E. No employee shall be required to use pronouns for any person that differ
15 from the pronouns that reflect the sex indicated on the person's birth certificate if
16 doing so would violate the teacher or employee's sincerely held religious beliefs that
17 are protected pursuant to the Louisiana Employment Discrimination Law, Chapter
18 3-A of Title 23 of the Louisiana Revised Statutes of 1950 (R.S. 23:301, et seq.); the
19 Preservation of Religious Freedom Act, Part XIX of Chapter 32 of Title 13 of the
20 Louisiana Revised Statutes of 1950 (R.S. 13:5231, et seq.); or Title VII of the Civil
21 Rights Act of 1964 (42 U.S.C. §2000e, et seq.).

22 * * *

23 §3996. Charter schools; exemptions; requirements

24 * * *

25 B. Notwithstanding any state law, rule, or regulation to the contrary and
26 except as may be otherwise specifically provided for in an approved charter, a
27 charter school established and operated in accordance with the provisions of this
28 Chapter and its approved charter and the school's officers and employees shall be
29 exempt from all statutory mandates or other statutory requirements that are

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 applicable to public schools and to public school officers and employees except for
2 the following laws otherwise applicable to public schools with the same grades:

3 * * *

4 (82) Names and pronouns, R.S. 17:2122.

5 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 121 Original

2024 Regular Session

Crews

Abstract: Provides relative to the use of certain names and pronouns for students.

Proposed law requires school employees to:

- (1) Use the name for a student listed on his birth certificate, or a derivative thereof, unless granted written permission by parents to do otherwise.
- (2) Use the pronoun for a student aligning with his sex unless granted written permission by parents to do otherwise.

Proposed law provides that an employee is not required to use pronouns for any person differing from the pronouns reflecting the sex indicated on the person's birth certificate if doing so violates the employee's sincerely held religious beliefs. Authorizes parents to request a transfer to another teacher if a teacher objects to using a pronoun for a student on the grounds of religious or moral convictions.

Proposed law defines an "employee" as any individual working in any capacity at a public school, paid or volunteer, including but not limited to teachers and other school employees, school bus operators, extracurricular personnel, and independent contractors, and defines "sex" as the biological sex as listed on the person's original birth certificate.

Proposed law further provides:

- (1) That proposed law shall not be construed to prohibit employees from discussing matters of public concern outside the context of their official duties.
- (2) That any individual aggrieved by an intentional violation of proposed law may seek relief; however, provides that a school employee shall not be held liable if the administration fails to provide information relative to a student's name or pronouns.
- (3) That employees are prohibited from discussing the application of proposed law relative to a student's preferred name and pronouns with other students.
- (4) That each public school governing authority is required to adopt policies for proposed law implementation.

(Adds R.S. 17:2122 and 3996(B)(82))