
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 Engrossed

2024 Regular Session

Crews

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

Proposed law prohibits a school employee from knowingly and intentionally addressing a student by a name other than the student's legal name, or a derivative thereof, 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.

Proposed law exempts an employee from adverse employment action for declining to address a student using a name other than his legal name, or by a pronoun or title inconsistent with his sex.

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 including but not limited to teachers and other school employees, school bus operators, extracurricular personnel, and independent contractors, and defines "sex" as the immutable biological sex as listed on the person's original birth certificate, either female or male.

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 shall have a private cause of action for injunctive relief, monetary damages, reasonable attorneys fees and costs, and any other appropriate 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. Requires such an action to be brought within two years of the violation.
- (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.

Proposed law applies to charter schools.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Add definitions of "female" and "male".
2. Remove volunteers from definition of "employee".
3. Expand types of relief individuals aggrieved by an intentional violation of proposed law may seek.
4. Add two-year prescription on civil actions.
5. Change proposed law regarding an employee's use of pronouns from a requirement to use the pronoun that aligns with the student's sex to an exemption from adverse employment action for refusing to address a student with a pronoun that is inconsistent with his sex.