

2021 Regular Session

HOUSE BILL NO. 564

BY REPRESENTATIVE GAROFALO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

EDUCATION: Provides relative to training with respect to certain concepts related to race and sex in elementary and secondary schools and postsecondary education institutions

1 AN ACT

2 To enact R.S. 17:2119 and 3996(B)(59), relative to education; to provide relative to training
3 with respect to certain concepts related to race and sex in elementary and secondary
4 schools and postsecondary education institutions; to provide relative to diversity and
5 inclusion programs; to require the adoption of policies by school and institution
6 governing authorities; to provide for definitions; to provide for an effective date; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:2119 and 3996(B)(59) are hereby enacted to read as follows:

10 §2119. Divisive concepts in education

11 A. For purposes of this Section, the following terms shall have the following
12 meanings:

13 (1) "Divisive concepts" includes any of the following, in accordance with the
14 Civil Rights Act of 1964, as amended, the Elementary and Secondary Education Act
15 of 1965, as amended, and this Title:

16 (a) That one race or sex is inherently superior or inferior to another race or
17 sex.

18 (b) That either the United States of America or the state of Louisiana is
19 fundamentally, institutionally, or systemically racist or sexist.

1 (c) That an individual, by virtue of the individual's race or sex, is inherently
2 or systemically racist, sexist, or oppressive, whether consciously or unconsciously,
3 or has negative or positive characteristics that inhere in the individual's DNA.

4 (d) That an individual should be discriminated against, favored, or receive
5 differential treatment solely or partly because of the individual's race or sex.

6 (e) That an individual of one race or sex should be treated disrespectfully
7 regarding that individual's race or sex.

8 (f) That an individual's moral character is any way defined, described, or
9 determined by the individual's race or sex.

10 (g) That an individual, by virtue of the individual's race or sex, bears
11 responsibility or is to be held accountable for actions committed in the past by other
12 members of the same race or sex.

13 (h) That any individual should feel or be made to feel discomfort, guilt,
14 anguish, or any other form of psychological or emotional distress on account of that
15 individual's race or sex.

16 (i) That the concept of meritocracy or traits such as a strong work ethic are
17 racist or sexist or were created by a particular race or sex to oppress another race or
18 sex.

19 (j) That the concepts of capitalism, free markets, or working for a private
20 party in exchange for wages are racist and sexist or oppress a given race or sex.

21 (k) That the concepts of racial equity and gender equity, meaning the
22 unequal treatment of individuals because of their race, sex, or national origin, should
23 be given preference in education and advocacy over the concepts of racial equality
24 and gender equality, meaning the equal treatment of individuals regardless of their
25 race, sex, or national origin.

26 (l) Any form of race or sex scapegoating or race or sex stereotyping. For
27 purposes of this Subparagraph:

28 (i) "Race or sex scapegoating" means assigning fault, blame, or bias to a race
29 or sex or to members of a race or sex because of their race or sex or claiming that,

1 consciously or unconsciously, and by virtue of a persons' race or sex, members of
2 any race are inherently racist or inherently inclined to oppress others or that members
3 of a sex are inherently sexist or inherently inclined to oppress others.

4 (ii) "Race or sex stereotyping" means ascribing character traits, values, moral
5 and ethical codes, privileges, status, or beliefs to a race or sex or to an individual
6 because of the individual's race or sex.

7 (2) "School" means any of the following:

8 (a) A public elementary or secondary school.

9 (b) A nonpublic elementary or secondary school that receives state funds.

10 (c) A public postsecondary education institution.

11 (d) A nonpublic postsecondary education institution that receives state funds.

12 (3) "Training" means the teaching and education of a student or employee
13 by means of lecturing or textbooks, audiovisual materials, or any other kind of
14 reference materials.

15 B.(1) Each school governing authority shall ensure the following:

16 (a) The training provided at each school under its jurisdiction shall foster a
17 learning environment and workplace that is respectful of all students and employees.

18 (b) No training that teaches, advocates, acts upon, or promotes divisive
19 concepts shall be provided to students or employees.

20 (2) The provisions of Paragraph (1) of this Subsection apply to any training
21 provided, regardless of whether it is provided by an employee of the school or a
22 nonemployee on a contract or volunteer basis.

23 C. Diversity and inclusion programs held at schools or sponsored by schools
24 shall prohibit employees and students from discriminating against another person
25 based on color, race, ethnicity, sex, political ideology, or any other characteristic
26 protected under the federal Civil Rights Act of 1964, as amended, and applicable
27 state law.

28 D.(1) Each school governing authority shall adopt policies and procedures
29 for the investigation of any complaints relative to noncompliance with this Section.

(Adds R.S. 17:2119 and 3996(B)(59))