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

Be it enacted by the Legislature of Louisiana:

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

§2119. Divisive concepts in education

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

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

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

(b) That either the United States of America or the state of Louisiana is fundamentally, institutionally, or systemically racist or sexist.
(c) That an individual, by virtue of the individual's race or sex, is inherently or systemically racist, sexist, or oppressive, whether consciously or unconsciously, or has negative or positive characteristics that inhere in the individual's DNA.

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

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

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

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

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

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

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

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

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

(i) "Race or sex scapegoating" means assigning fault, blame, or bias to a race or sex or to members of a race or sex because of their race or sex or claiming that,
consciously or unconsciously, and by virtue of a person's race or sex, members of
any race are inherently racist or inherently inclined to oppress others or that members
of a sex are inherently sexist or inherently inclined to oppress others.

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

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

(a) A public elementary or secondary school.
(b) A nonpublic elementary or secondary school that receives state funds.
(c) A public postsecondary education institution.
(d) A nonpublic postsecondary education institution that receives state funds.

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

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

(a) The training provided at each school under its jurisdiction shall foster a
learning environment and workplace that is respectful of all students and employees.
(b) No training that teaches, advocates, acts upon, or promotes divisive
concepts shall be provided to students or employees.

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

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

D.(1) Each school governing authority shall adopt policies and procedures
for the investigation of any complaints relative to noncompliance with this Section.
(2) The policies and procedures, at a minimum, shall provide, upon a
determination that a violation has been committed, for an appropriate remedy by
means of reprimand, suspension, or termination.

E. Nothing in this Section shall be construed to do any of the following:

(1) Inhibit or violate the first amendment rights of students or employees or
undermine intellectual freedom and freedom of expression.

(2) Prevent a school from promoting racial, cultural, ethnic, intellectual, or
academic diversity or inclusiveness if such efforts are consistent with the provisions
of this Section.

(3) Prohibit discussion of divisive concepts as part of a larger course of
academic instruction.

(4) Prevent individuals providing training from responding to questions
regarding divisive concepts raised by students or employees.

(5) Create any right or benefit, substantive or procedural, enforceable by any
party against the state of Louisiana, its departments, agencies, or entities or its
officers, employees, or agents or against any other person.

*          *          *

§3996. Charter schools; exemptions; requirements

*          *          *

B. Notwithstanding any state law, rule, or regulation to the contrary and
except as may be otherwise specifically provided for in an approved charter, a
charter school established and operated in accordance with the provisions of this
Chapter and its approved charter and the school's officers and employees shall be
exempt from all statutory mandates or other statutory requirements that are
applicable to public schools and to public school officers and employees except for
the following laws otherwise applicable to public schools with the same grades:

*          *          *

Page 4 of 6

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
(59) Provisions relative to divisive concepts related to race and sex, R.S. 17:2119.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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 564 Original 2021 Regular Session Garofalo

Abstract: Provides relative to training at K-12 schools and postsecondary education institutions with respect to certain concepts related to race and sex.

Proposed law provides the following:

(1) Requires the governing authority of each school to ensure:

   (a) That training provided at each school under its jurisdiction fosters a learning environment and workplace that is respectful of all students and employees.

   (b) That no training is provided to students or employees teaches, advocates, acts upon, or promotes divisive concepts, as defined in proposed law, relative to race and sex.

(2) Defines "training" as the teaching and education of a student or employee by means of lecturing or textbooks, audiovisual materials, or any other kind of reference materials.

(3) Requires that school diversity and inclusion programs prohibit discrimination based on color, race, ethnicity, sex, political ideology, or any other characteristic protected under federal or state law.

(4) Requires policies and procedures for the investigation of any complaints relative to noncompliance with proposed law which, at minimum, shall provide for an appropriate remedy by means of reprimand, suspension, or termination upon violation of proposed law.

Proposed law is applicable to public K-12 schools, nonpublic K-12 schools that receive state funds, public postsecondary education institutions, and nonpublic postsecondary education institution that receives state funds.

Effective upon signature of governor or lapse of time for gubernatorial action.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
(Adds R.S. 17:2119 and 3996(B)(59))