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## DIGEST

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HB 121 Reengrossed

2024 Regular Session

Crews

**Abstract:** Provides relative to the use of certain names and pronouns for public school 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 exempts an employee from adverse employment action and exempts a student from disciplinary action for declining to do the following:

- (1) Address a person using a name other than his legal name or a derivative thereof or by a pronoun inconsistent with his sex.
- (2) Identify his own pronouns.

Authorizes parents to request a transfer to another class if a teacher declines to use a name other than a student's legal name or a derivative thereof or a pronoun for a student that is consistent with the student's sex.

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 may be evidenced on his original birth certificate, either female or male.

Proposed law further provides:

- (1) 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. Requires such action to be brought within two years of the violation.
- (2) That each public school governing authority is required to adopt policies for proposed law implementation and provide such policies to employees.

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.

The House Floor Amendments to the engrossed bill:

1. Exempt students from disciplinary action for declining to address a person with a name other than his legal name or a derivative thereof or pronoun inconsistent with his sex.
2. Require public school governing authorities to provide its policies to employees.
3. Remove provision 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.
4. Authorize parents to request a transfer to another *class* if a teacher declines to use a certain name or pronoun for a student instead of authorizing a request for transfer to another *teacher* if a teacher objects to using certain pronouns.
5. Remove provision that a school employee shall not be held liable if administration fails to provide information relative to a parent's request relative to a student's name or pronouns.
6. Exempt employees and students from disciplinary actions for declining to identify their own pronouns.