

2023 Regular Session

HOUSE BILL NO. 81

BY REPRESENTATIVES CREWS, AMEDEE, AND GAROFALO

1 AN ACT

2 To enact R.S. 17:2122 and 3996(B)(75), 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
21 education and upbringing of one's children". *Washington v. Glucksberg*, 521 U.S.
22 702, 720 (1997).

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

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

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

10 Section 3. R.S. 17:2122 and 3996(B)(75) are hereby enacted to read as follows:

11 §2122. Pronouns and names; biological sex; parental permission; policies

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

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

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

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

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

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

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

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____