

RÉSUMÉ DIGEST

HB 81

2023 Regular Session

Crews

Proposed law would have required school employees to:

- (1) Use the name for a student listed on his birth certificate, or a derivative thereof, unless granted written permission by parents to do otherwise.
- (2) Use the pronoun for a student aligning with his sex unless granted written permission by parents to do otherwise.

Proposed law would have provided that an employee was 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 violated the employee's sincerely held religious beliefs. Would have authorized parents to request a transfer to another teacher if a teacher objected to using a pronoun for a student on the grounds of religious or moral convictions.

Proposed law would have defined an "employee" as any individual working in any capacity at a public school, paid or volunteer, including but not limited to teachers and other school employees, school bus operators, extracurricular personnel, and independent contractors, and would have defined "sex" as the biological sex as listed on the person's original birth certificate.

Proposed would have further provided:

- (1) That proposed law would 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 could seek relief; however, would have provided that a school employee would not be held liable if the administration failed to provide information relative to a student's name or pronouns.
- (3) That employees were 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 was required to adopt policies for proposed law implementation.

(Proposed to add R.S. 17:2122 and 3996(B)(75))

VETO MESSAGE:

"Please be advised that I have vetoed House Bill 81 of the 2023 Regular Session.

At its core, this bill is yet another example of a string of discriminatory bills being pushed by extreme groups around the country under the guise of religious freedom. But even if you accept the proponents' religious freedom argument, the bill is still fraught with serious, practical implementation issues.

As finally passed, every parent whose child goes by a nickname, rather than the name on their birth certificate, would have to provide written permission to the school to allow an employee of the school to use the child's nickname rather than his given name. The bill defines "student" as a public school student under the age of 18. Even just as it pertains to being called by a nickname, does this mean the parents of a 17 year old public school student would have to provide permission to the school for employees to use the nickname, but an 18 year old student at the same public school can go by a different name not on his birth certificate without requiring parental consent?

Even further, this legislation would only apply to public and charter schools, meaning children attending private school can be called by a name or pronoun other than that on their birth certificate without a parent's written permission? Are the same religious freedom

protections for public school employees this bill alleges to address not extended to employees at private schools?

While there is an attempt to provide safeguards for a child who may have a nickname or a pronoun that a school employee refuses to use for religious and moral reasons, the bill falls woefully short of actually protecting the child. As finally passed, the legislation allows the parent in these instances to request that the child be transferred to another teacher's classroom. But not only is the school not required to transfer, what happens in a small school, in a rural district, where there is no other class to be transferred to or even another school in the district for the child to be transferred to? Where does the child go to be educated?

I believe this legislation is rooted in discrimination. But even considering the argument for religious freedom, the drafting of this bill is so flawed and leaves the reader with so many questions that it will not become law."