

SENATE BILL No. 76

By Committee on Education

1-27

1 AN ACT concerning education; relating to employees of school districts
2 and postsecondary educational institutions; enacting the given name act
3 to require such employees to use the name and pronouns consistent
4 with a student's biological sex and birth certificate; authorizing a cause
5 of action for violations therefor.

6
7 WHEREAS, Employees of school districts and postsecondary
8 educational institutions do not shed their constitutional rights to freedom
9 of speech or expression at work; and

10 WHEREAS, Protecting the right to free speech for such employees
11 promotes the important interests of students receiving informed opinions
12 on matters of public concern, employee rights to disseminate their own
13 opinions and exposing our children and future leaders to different
14 viewpoints; and

15 WHEREAS, The selection and use of pronouns in classrooms, on
16 campuses and elsewhere is not merely an administrative or ministerial act,
17 but instead is a matter of free speech and academic freedom as it
18 communicates a message on a matter of public concern and shapes
19 classroom discussion and debate.

20 Now, therefore:

21 *Be it enacted by the Legislature of the State of Kansas:*

22 Section 1. (a) This section shall be known and may be cited as the
23 given name act.

24 (b) No employee of a school district ~~or postsecondary educational~~
25 ~~institution~~, regardless of such employee's official duties, shall address a
26 minor ~~or student~~ with a:

27 (1) Pronoun or title that is inconsistent with the biological sex of such
28 minor ~~or student~~ unless the employee has the written permission of such
29 minor's ~~or student's~~ parent; and

30 (2) name other than the name listed on the minor's ~~or student's~~ birth
31 certificate, or a derivative of such name, without the written permission of
32 the minor's ~~or student's~~ parent.

33 (c) No employee of a school district or postsecondary educational
34 institution shall be subject to an adverse employment action for declining
35 to address an individual using a name other than the name listed on the
36 individual's birth certificate or a pronoun or title that is inconsistent with

1 the individual's biological sex.

2 (d) No student shall be subject to any disciplinary action for declining
3 to address an individual using a name other than the name listed on the
4 individual's birth certificate or a pronoun or title that is inconsistent with
5 the individual's biological sex.

6 (e) A person who is harmed by a violation of this section may bring a
7 cause of action for injunctive relief, monetary damages, reasonable
8 attorney fees and any other appropriate relief.

9 (f) As used in this section:

10 (1) "Minor" means an unemancipated individual under 18 years of
11 age.

12 (2) "Parent" means natural parent, adoptive parent or person legally
13 authorized to act on behalf of the child.

14 (3) "Postsecondary educational institution" means the same as
15 defined in K.S.A. 74-3201b, and amendments thereto.

16 (4) "Student" means any ~~unemancipated individual under 18 years of~~
17 ~~age~~ who is enrolled in and attending a public school or postsecondary
18 educational institution.

19 Sec. 2. This act shall take effect and be in force from and after its
20 publication in the statute book.