

SESSION OF 2025

SUPPLEMENTAL NOTE ON SENATE BILL NO. 76

As Amended by Senate Committee on
Education

Brief*

SB 76, as amended, would establish the Given Name Act and prohibit school district employees from referring to a minor by a pronoun or name inconsistent with the minor's biological sex or birth certificate without written parental permission. The bill would also prohibit school district or postsecondary education institution employees from suffering any adverse employment actions for declining to address an individual by a name or pronoun inconsistent with the individual's birth certificate or biological sex.

The bill would be known as the Given Name Act.

Employee Prohibitions

The bill would prohibit employees of a school district, regardless of the employee's official duties, from addressing a minor in the following manner without written parental permission:

- Using a pronoun or title that is inconsistent with the biological sex of such minor; and
- Using a name other than the name listed on the minor's birth certificate or a derivative of such name.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

The bill would define the term “minor” as an unemancipated individual under 18 years of age.

Protection from Adverse Action and Disciplinary Action

The bill would prohibit any employee of a school district or postsecondary educational institution from being subject to adverse employment action or any students from disciplinary action for the following actions:

- Declining to use a name other than the name listed on an individual’s birth certificate; or
- Declining to use a pronoun or title that is inconsistent with an individual’s biological sex.

Any person harmed by a violation of these prohibitions would have a cause of action for injunctive relief, monetary damages, reasonable attorney fees, and other appropriate relief.

Definitions

The bill would define the following terms:

- “Parent” would mean the natural parent, adoptive parent, or persona legally authorized to act on behalf of the child;
- “Postsecondary educational institution” would mean the same as defined in KSA 74-3201b; and
- “Student” would mean any individual who is enrolled in and attending a public school or postsecondary educational institution.

Other Provisions

The bill would contain whereas clauses that discuss the intent of the bill being to protect constitutional rights of free speech and academic freedom.

Background

The bill was introduced by the Senate Committee on Education at the request of Senator Erickson.

Senate Committee on Education

In the Senate Committee hearing, **proponent** testimony was provided by representatives of the Alliance for Defending Freedom, Heritage Action for America, and Kansas Family Voice. The proponents generally stated the bill supports parental rights by ensuring the parent is aware of what is occurring at school regarding their child. The proponents also stated the bill protects both employee and student's freedom of speech.

Written-only proponent testimony was provided by a representative of the Kansas Catholic Conference and a private citizen who self-identified as a school counselor.

Opponent testimony was provided by representatives of Equality Kansas, Kansas Interfaith Action, Loud Light Civic Action, Kansas National Educators Association, and 11 private citizens some of whom self-identified as teachers, psychologists, and current or recent students. The opponents generally stated the bill was overly broad and would put school personnel in financial risk. The opponents also noted the negative impacts the bill would have on transgender students.

Written-only opponent testimony was provided by representatives of ACLU of Kansas, Kansas Association of

School Boards, Mainstream Coalition, Planned Parenthood Great Plains Votes, and 255 private citizens, some of whom self-identified as parents, teachers, social workers, school counselors, social workers, and members of the clergy.

No other testimony was provided.

The Senate Committee amended the bill to remove reference to the term “students” regarding the prohibitions against using a pronoun or title inconsistent with one’s biological sex or a name that is not on one’s birth certificate or a derivative thereof without written permission from a parent.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the State Department of Education states that enactment of the bill would have no fiscal effect on agency operations.

The Office of Judicial Administration states that enactment of the bill would create a new civil cause of action that could result in more time spent by court employees and judges processing and deciding cases. This could result in an increased collection of fees that are credited to the State General Fund; however, the agency cannot estimate the fiscal effect.

The Kansas Association of School Boards states that enactment of the bill would have long-term fiscal effects on school districts and postsecondary educational institutions through increased legal fees and investigation costs.

Any fiscal effect associated with the bill is not reflected in *The FY 2026 Governor’s Budget Report*.

Education; k-12; school districts; employees; postsecondary education institutions; Given Name Act; names and pronouns; biological sex