

SESSION OF 2025

SUPPLEMENTAL NOTE ON SENATE BILL NO. 76

As Amended by House 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.

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

*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/>

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 parent of a student enrolled in a school district who is aggrieved by a violation of the disciplinary action prohibition may file a complaint with the relevant school district board of education. The bill would require any complaint filed with the board of education to be written and provide details of the violation. The board of education would be required to appoint a committee to:

- Investigate any complaints;
- Meet with the complainant to discuss the complaint; and
- Within 30 days after receiving a complaint, submit a written recommended response and proposed step to remedy the complaint to the board of education.

The bill would require the board of education to take action on any recommendations from the committee at the next regularly scheduled meeting of the board.

The bill would also specify that no individual is precluded from pursuing any other available legal remedies for a violation of the provisions of the bill.

Definitions

The bill would define the following terms:

- “Parent” would mean the natural parent, adoptive parent, or person 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 a parent is aware of what is occurring at school regarding their child. The proponents also stated the bill protects both employee and students’ 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, and Kansas National Educators Association (KNEA) 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 the American Civil Liberties Union (ACLU) of Kansas, Kansas Association of School Boards (KASB), Mainstream Coalition, and Planned Parenthood Great Plains Votes and 255 private citizens, some of whom self-identified as parents, teachers, social workers, school counselors, 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.

House Committee on Education

In the House Committee hearing, **proponent** testimony was provided by representatives of Alliance Defending Freedom, Heritage Foundation, and Kansas Family Voice and a private citizen who self-identified as a current school board member. The proponents generally stated the bill would protect the First Amendment rights of teachers and ensure

parents are aware of what is occurring at school. The conferees also discussed federal law and case law related to the First Amendment and parental rights and provided information about a local school board policy similar to the provisions of the bill.

Written-only proponent testimony was provided by representatives of Heritage Action for America and Kansas Catholic Conference and two private citizens.

Opponent testimony was provided by representatives of the ACLU of Kansas, Equality Kansas, KASB, Kansas Interfaith Action, KNEA, Loud Light Civic Action, Mainstream Coalition, and Wild Flower Community School and six private citizens who self-identified as parents, teachers, social workers, and students.

Written-only opponent testimony was provided by representatives of Pathways Learning Center and Planned Parenthood Great Plains Votes and 116 private citizens, some of whom self-identified as parents, teachers, social workers, school counselors, and members of the clergy.

No other testimony was provided.

The House Committee amended the bill to:

- Remove a provision providing that any person harmed by a violation of the prohibitions on adverse employment action and disciplinary action would have a cause of action for injunctive relief, monetary damages, reasonable attorney fees, and other appropriate relief;
- Add provisions permitting parents to file complaints alleging a violation of the prohibition on disciplinary action with the school district board of education and requiring such board of education to investigate and respond to the filed complaint; and

- Add a provision stating no individual is precluded from pursuing any other available legal remedies for a violation of the provisions of the bill.

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 institutions; Given Name Act; names and pronouns; biological sex