

2021 Regular Session

HOUSE BILL NO. 564

BY REPRESENTATIVE GAROFALO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

EDUCATION: Provides relative to training with respect to certain concepts related to race and sex in elementary and secondary schools and postsecondary education institutions

1 AN ACT

2 To enact R.S. 17:2119 and 3996(B)(59), relative to education; to provide relative to training  
3 with respect to certain concepts related to race and sex in elementary and secondary  
4 schools and postsecondary education institutions; to provide relative to diversity and  
5 inclusion programs; to require the adoption of policies by school and institution  
6 governing authorities; to provide for definitions; to provide for an effective date; and  
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:2119 and 3996(B)(59) are hereby enacted to read as follows:

10 §2119. Divisive concepts in education

11 A. For purposes of this Section, the following terms shall have the following  
12 meanings:

13 (1) "Divisive concepts" includes any of the following, in accordance with the  
14 Civil Rights Act of 1964, as amended, the Elementary and Secondary Education Act  
15 of 1965, as amended, and this Title:

16 (a) That one race or sex is inherently superior or inferior to another race or  
17 sex.

18 (b) That either the United States of America or the state of Louisiana is  
19 fundamentally, institutionally, or systemically racist or sexist.

1           (c) That an individual, by virtue of the individual's race or sex, is inherently  
2           or systemically racist, sexist, or oppressive, whether consciously or unconsciously,  
3           or has negative or positive characteristics that inhere in the individual's DNA.

4           (d) That an individual should be discriminated against, favored, or receive  
5           differential treatment solely or partly because of the individual's race or sex.

6           (e) That an individual of one race or sex should be treated disrespectfully  
7           regarding that individual's race or sex.

8           (f) That an individual's moral character is any way defined, described, or  
9           determined by the individual's race or sex.

10          (g) That an individual, by virtue of the individual's race or sex, bears  
11          responsibility or is to be held accountable for actions committed in the past by other  
12          members of the same race or sex.

13          (h) That any individual should feel or be made to feel discomfort, guilt,  
14          anguish, or any other form of psychological or emotional distress on account of that  
15          individual's race or sex.

16          (i) That the concept of meritocracy or traits such as a strong work ethic are  
17          racist or sexist or were created by a particular race or sex to oppress another race or  
18          sex.

19          (j) That the concepts of capitalism, free markets, or working for a private  
20          party in exchange for wages are racist and sexist or oppress a given race or sex.

21          (k) That the concepts of racial equity and gender equity, meaning the  
22          unequal treatment of individuals because of their race, sex, or national origin, should  
23          be given preference in education and advocacy over the concepts of racial equality  
24          and gender equality, meaning the equal treatment of individuals regardless of their  
25          race, sex, or national origin.

26          (l) Any form of race or sex scapegoating or race or sex stereotyping. For  
27          purposes of this Subparagraph:

28          (i) "Race or sex scapegoating" means assigning fault, blame, or bias to a race  
29          or sex or to members of a race or sex because of their race or sex or claiming that,

1 consciously or unconsciously, and by virtue of a persons' race or sex, members of  
2 any race are inherently racist or inherently inclined to oppress others or that members  
3 of a sex are inherently sexist or inherently inclined to oppress others.

4 (ii) "Race or sex stereotyping" means ascribing character traits, values, moral  
5 and ethical codes, privileges, status, or beliefs to a race or sex or to an individual  
6 because of the individual's race or sex.

7 (2) "School" means any of the following:

8 (a) A public elementary or secondary school.

9 (b) A nonpublic elementary or secondary school that receives state funds.

10 (c) A public postsecondary education institution.

11 (d) A nonpublic postsecondary education institution that receives state funds.

12 (3) "Training" means the teaching and education of a student or employee  
13 by means of lecturing or textbooks, audiovisual materials, or any other kind of  
14 reference materials.

15 B.(1) Each school governing authority shall ensure the following:

16 (a) The training provided at each school under its jurisdiction shall foster a  
17 learning environment and workplace that is respectful of all students and employees.

18 (b) No training that teaches, advocates, acts upon, or promotes divisive  
19 concepts shall be provided to students or employees.

20 (2) The provisions of Paragraph (1) of this Subsection apply to any training  
21 provided, regardless of whether it is provided by an employee of the school or a  
22 nonemployee on a contract or volunteer basis.

23 C. Diversity and inclusion programs held at schools or sponsored by schools  
24 shall prohibit employees and students from discriminating against another person  
25 based on color, race, ethnicity, sex, political ideology, or any other characteristic  
26 protected under the federal Civil Rights Act of 1964, as amended, and applicable  
27 state law.

28 D.(1) Each school governing authority shall adopt policies and procedures  
29 for the investigation of any complaints relative to noncompliance with this Section.

1            (2) The policies and procedures, at a minimum, shall provide, upon a  
2            determination that a violation has been committed, for an appropriate remedy by  
3            means of reprimand, suspension, or termination.

4            E. Nothing in this Section shall be construed to do any of the following:

5            (1) Inhibit or violate the first amendment rights of students or employees or  
6            undermine intellectual freedom and freedom of expression.

7            (2) Prevent a school from promoting racial, cultural, ethnic, intellectual, or  
8            academic diversity or inclusiveness if such efforts are consistent with the provisions  
9            of this Section.

10          (3) Prohibit discussion of divisive concepts as part of a larger course of  
11          academic instruction.

12          (4) Prevent individuals providing training from responding to questions  
13          regarding divisive concepts raised by students or employees.

14          (5) Create any right or benefit, substantive or procedural, enforceable by any  
15          party against the state of Louisiana, its departments, agencies, or entities or its  
16          officers, employees, or agents or against any other person.

17                                    \*       \*       \*

18         §3996. Charter schools; exemptions; requirements

19                                    \*       \*       \*

20            B. Notwithstanding any state law, rule, or regulation to the contrary and  
21            except as may be otherwise specifically provided for in an approved charter, a  
22            charter school established and operated in accordance with the provisions of this  
23            Chapter and its approved charter and the school's officers and employees shall be  
24            exempt from all statutory mandates or other statutory requirements that are  
25            applicable to public schools and to public school officers and employees except for  
26            the following laws otherwise applicable to public schools with the same grades:

27                                    \*       \*       \*

1           (59) Provisions relative to divisive concepts related to race and sex, R.S.

2           17:2119.

3    \*       \*       \*

4           Section 2. This Act shall become effective upon signature by the governor or, if not  
5 signed by the governor, upon expiration of the time for bills to become law without signature  
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
8 effective on the day following such approval.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 564 Original

2021 Regular Session

Garofalo

**Abstract:** Provides relative to training at K-12 schools and postsecondary education institutions with respect to certain concepts related to race and sex.

Proposed law provides the following:

- (1) Requires the governing authority of each school to ensure:
  - (a) That training provided at each school under its jurisdiction fosters a learning environment and workplace that is respectful of all students and employees.
  - (b) That no training is provided to students or employees teaches, advocates, acts upon, or promotes divisive concepts, as defined in proposed law, relative to race and sex.
- (2) Defines "training" as the teaching and education of a student or employee by means of lecturing or textbooks, audiovisual materials, or any other kind of reference materials.
- (3) Requires that school diversity and inclusion programs prohibit discrimination based on color, race, ethnicity, sex, political ideology, or any other characteristic protected under federal or state law.
- (4) Requires policies and procedures for the investigation of any complaints relative to noncompliance with proposed law which, at minimum, shall provide for an appropriate remedy by means of reprimand, suspension, or termination upon violation of proposed law.

Proposed law is applicable to public K-12 schools, nonpublic K-12 schools that receive state funds, public postsecondary education institutions, and nonpublic postsecondary education institution that receives state funds.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 17:2119 and 3996(B)(59))