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SB 76 - Requiring employees of school districts and postsecondary educational institutions to use the name and pronouns consistent with a student's biological sex

Proponent

In-Person Testimony

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Protecting Freedom of Speech for Kansas Educators and Students

Teachers and other public employees cannot be forced to deny their core beliefs or to say things that are untrue just to keep their job. Nor should students be forced to leave their beliefs at the school door and affirm gender ideology against their conscience.

Pam Ricard served as a math teacher at Fort Riley Middle School in Fort Riley, Kansas. Pam spent decades in education, and she always treated her students with the utmost dignity and respect.

Pam knows an integral part of teaching children is telling them the truth, but the Geary County School District threatened her ability to do that when it told her to use names and pronouns for students that were inconsistent with the students' biological sex. What's more, district policy forced Pam to keep parents in the dark about their children who may be struggling with gender dysphoria.

Pam knew she could not follow this policy without violating her religious beliefs. In April 2021, Fort Riley Middle School suspended Pam for three days after she declined to refer to a student by a name and pronouns that were inconsistent with the student's sex.¹

John Kluge, a high school orchestra teacher in Indiana, suffered a similar fate. After his school district announced that John was required to use students' preferred names and pronouns, John asked for a modest accommodation: calling all

¹ A federal court ruled that the school district Pam was likely to prevail on her First Amendment free exercise of religion claims and granted her motion to halt enforcement of the policy. Shortly after this, the district agreed to settle the case. Their unconstitutional actions ended up needlessly costing taxpayers \$95,000 in damages and attorneys' fees.

students by their last names only, which would allow him to stay neutral on transgender issues and focus on teaching music. The district granted this reasonable accommodation at first. But after a handful of teachers grumbled about it, the district revoked the accommodation and forced Mr. Kluge to resign or be terminated.

High school French teacher Peter Vlaming was fired from his job in West Point, Virginia for declining to refer to a female student with male pronouns even though he consistently accommodated the student's requests and used the student's preferred name instead of the student's given name.

And Vivian Geraghty, a middle school English teacher in Ohio, was forced to resign after the school district began requiring its teachers to personally participate in the "social transition" of children by using students' preferred name and pronoun.

These are just a few of the situations happening in Kansas and across the country where school district officials compel conformity to radical gender ideology. These are teachers who love their students and who cannot use names and pronouns that are inconsistent with a student's sex.

But freedom of speech and religion includes the freedom not to endorse messages contrary to our core beliefs. Teachers shouldn't be forced to mislead parents and say things that are untrue and harmful to students. Parents know and love their children best, and deserve transparency if their child is struggling with their gender. Schools don't have the right to hide this information from parents, and attempt to "socially transition" their child without their consent.

And that is why a growing number of courts are ruling against schools that force teachers and staff to violate their deepest beliefs and personally endorse radical gender ideology just to keep their job.

In Peter Vlaming's case, the Virginia Supreme Court ruled that the school district violated Vlaming's rights when it fired him for refusing to go against his religious beliefs and use preferred pronouns. The court reiterated that we have "the freedom to speak or not speak." Although teachers are hired to teach on their respective subjects, they cannot be compelled to be a mouthpiece for "controversial 'religious, political, [or] ideological causes.'"² Nor can the government coerce the people "into pledging verbal allegiance to ideological views that violate their sincerely held religious beliefs."³

² *Id.* at 739 (quoting *Wooley v. Maynard*, 430 U.S. 705, 714 (1977)).

³ *Id.* at 724.

Tanner Cross, a beloved elementary school P.E. teacher in Virginia was suspended after he spoke out against proposed policies that would require Mr. Cross and other teachers to refer to students using inaccurate pronouns. But the Virginia Supreme Court ruled against the school district, recognizing Mr. Cross' "constitutionally protected right to speak on the proposed transgender policy."

And the U.S. Court of Appeals for the 6th Circuit ruled for Dr. Nicholas Meriwether, a professor at Shawnee State University in Southern Ohio, who was disciplined by the university for declining to refer to a male student by female titles and pronouns. The 6th Circuit ruled that if "professors lacked free-speech protections when teaching, a university would wield alarming power to compel ideological conformity. A university president could require a pacifist to declare that war is just, a civil rights icon to condemn the Freedom Riders, a believer to deny the existence of God, or a Soviet émigré to address his students as 'comrades.' That cannot be."

These courts recognized that words—including pronouns—have meaning. They carry a message with them. For many Americans, that message is that a person has an immutable biological sex that is written into every cell of their body, and pronouns reflect that truth.

That is also why students, regardless of their age, should not be forced to abandon their beliefs simply because they are at school. No student should be pressured by school staff to use preferred pronouns or affirm gender ideology while at school. Or fear suffering disciplinary action if they stand by their beliefs.

We would never command that a teacher respond to a student saying "Christ is Risen," with the traditional response "He is Risen indeed." Nor would we order a student to greet a Muslim teacher with "Allahu Akbar." Because doing so would force that person to affirm a belief or ideology with which she does not agree. The same is true of gender ideology and preferred pronouns.

But radical gender activists know that if they can change the way you speak, they can ultimately change what you think and believe. And that is why they punish dissenters who refuse to speak that which they know is untrue. That is why we must protect teachers and students by ensuring that they are never forced to abandon their beliefs about the meaning of female or male.