

# Protecting Parents' Rights with the Given Name Act

## THE ISSUE

The Heritage Foundation seeks to build an America where civil society and traditional American values flourish. Healthy families create healthy societies. Yet, K–12 schools across the country, including in deeply conservative areas, have started addressing children by names that are not theirs, and using pronouns that differ from their sex—without their parents' knowledge or consent. Parents know their children best, and their authority should not be superseded by teachers and school administrators. Schools should not make potentially life-altering decisions for a child behind parents' backs.

### “Socially Transitioning” Children.

Many schools are allowing young students to assume a gender different from their biological sex—without consulting or even informing their parents.

- Schools across the country, even in red states, such as [Florida](#), are allowing teachers and administrators to hide information from parents and are even encouraging students to experiment with “transgenderism.”
- Changing names and pronouns is the first step in the implementation of radical gender ideology, which eventually leads to life-altering drugs and irreversible medical experiments.
- Schools have failed to show any research evidence that demonstrates that pushing radical gender ideology on children will help those who are bullied or suffer from gender dysphoria.
- A growing number of medical professionals now recommend “watchful waiting” to allow parents and doctors to observe whether the experience of puberty leads to resolution of gender confusion, with some studies showing that the confusion naturally resolves itself in up to 90 percent of children.

**Informed Parents.** Parents should be informed at once if a school is pushing any ideology on children that is not in line with their values or core beliefs.

- Requiring schools to involve parents in the discussion before taking any action allows parents to prevent any conflicting and even harmful practices that might confuse or damage their child.
- If schools are able to “socially transition” children secretly, parents can then be coerced into accepting dubious medical experiments for their children that can lead to sterilization and a life of misery.
- Instead of rushing children to alter their bodies and identities, school officials must work with parents to treat the underlying causes of a student's troubles and offer empathy and *appropriate* treatment—which can never be a rush to transitioning. Parents or guardians and family members must be at the start, middle, and end of those conversations.
- Except in specific cases of documented abuse, parents should always have the final say on the medical and mental wellness of their children.

---

This paper, in its entirety, can be found at <http://report.heritage.org/fs244>

The Heritage Foundation | 214 Massachusetts Avenue, NE | Washington, DC 20002 | (202) 546-4400 | [heritage.org](http://heritage.org)

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

**Fighting Back.** Parents across the country have started to fight to regain their parental rights.

- Lawsuits challenging a school’s right to usurp parental rights have been filed across the country.
- But lawsuits can prove costly for parents as they battle their school districts, and only provide piecemeal and temporary solutions.
- With many special interest groups and education bureaucrats, such as the teachers unions, the national school board association, and even the Biden Administration advocating for radical gender policies, parents need policies to help them keep their children safe.

## THE SOLUTION

**State Lawmakers Can Pass Legislation.** A law, such as the Heritage-proposed Given Name Act, would prevent school staff from “socially transitioning” minors without parental knowledge and consent.

- The U.S. Supreme Court has recognized that parents have the freedom “to direct the education and upbringing of [their] children.”
- State lawmakers can rightly place the authority over a child’s safety back in the hands of parents, where it belongs.
- By prohibiting schools from using different names or pronouns of a student unless explicitly allowed by the parents, the Given Name Act puts parents in charge.
- This bill rightly puts woke school employees on notice that they cannot hide important information about students from their parents.

## PROVISIONS OF THE GIVEN NAME ACT

In order to protect the rights of children, families, and teachers and maintain order in

K–12 public schools, legislatures can enact the following provisions:

- No public education employee or contractor shall use a name to address a student other than the name listed on a student’s birth certificate, or derivatives thereof, without the written permission of a student’s parents or guardians.
- No public education employee or contractor shall use a pronoun in addressing a student that is different from that student’s biological sex without the written permission of a student’s parents or guardians.
- No employee or contractor of a public preschool, elementary, or secondary school operating in this state, when acting in the course of his or her official duties, shall carry out any act or communication that would violate section (a) or (b).
- No public institution may require an education employee or contractor to use a pronoun that does not match a person’s biological sex if contrary to the employee’s or contractor’s religious or moral convictions.
- Nothing in this statute prohibits employees and contractors of a public preschool, elementary, or secondary school from discussing any matters of public concern outside the context of their official duties.
- Any public institution whose employees or contractors are found to be in violation of this section are not eligible for state funding or state or local contracts under [a state’s K–12 education formula].
- Any aggrieved individual under this section may seek relief through the Office for Civil Rights at the U.S. Department of Education, or bring a private right of action against any institution engaged in such prohibited discrimination, or both.