

Senate File 482 - Introduced

SENATE FILE 482
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 335)

A BILL FOR

1 An Act prohibiting persons from entering single and multiple
2 occupancy restrooms or changing areas and other facilities
3 in elementary and secondary schools that do not correspond
4 with the person's biological sex and including effective
5 date provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 216.9A Single and multiple
2 occupancy restrooms or changing areas in schools — use by
3 persons of same biological sex.

4 It shall not be an unfair or discriminatory practice for a
5 school to require a single or multiple occupancy restroom or
6 changing area to be designated only for and used by persons
7 of the same biological sex as provided in section 280.33. It
8 shall not be an unfair or discriminatory practice to prohibit
9 a person from using a single or multiple occupancy restroom
10 or changing area that does not correspond with the person's
11 biological sex as provided in section 280.33.

12 Sec. 2. NEW SECTION. 280.33 Single and multiple occupancy
13 restrooms or changing areas — use by persons of same biological
14 sex.

15 1. As used in this section:

16 a. *"Multiple occupancy restroom or changing area"* means an
17 area in a school building designed or designated to be used by
18 more than one person at a time, in which students may be in
19 various stages of undress in the presence of other students or
20 persons. *"Multiple occupancy restroom or changing area"* includes
21 but is not limited to a restroom, locker room, changing room,
22 or shower room.

23 b. *"School"* means a public school or nonpublic school.

24 c. *"Sex"* means a person's biological sex as female or male,
25 as listed on a person's official birth certificate issued at or
26 near the time of the person's birth.

27 d. *"Single occupancy restroom or changing area"* means an
28 area in a school building designed or designated to be used by
29 one person at a time, in which the person may be in various
30 stages of undress. *"Single occupancy restroom or changing area"*
31 includes a restroom, locker room, changing room, or shower
32 room.

33 2. A school shall require a multiple occupancy restroom or
34 changing area to be designated only for and used by persons of
35 the same sex. A person shall not enter a multiple occupancy

1 restroom or changing area, or a single occupancy restroom or
2 changing area designated only for persons of the same sex, that
3 does not correspond with the person's sex.

4 3. In any other school facility, a facility used for
5 extracurricular activity, overnight accommodations, or any
6 other setting where a student may be in various stages of
7 undress in the presence of other students or persons, school
8 personnel shall provide separate, private areas designated for
9 use by students based on the students' sex.

10 4. A student who, for any reason, desires greater privacy
11 when using a single or multiple occupancy restroom or changing
12 area, or other facility described in subsection 3, and whose
13 parent or legal guardian provides written consent to school
14 officials, may submit a request to such officials for access to
15 alternative facilities. The school official to whom a request
16 is submitted shall evaluate such request and shall, to the
17 extent reasonable, offer options for alternative facilities.
18 In no event shall any accommodation be made that includes
19 access to a student multiple occupancy restroom or changing
20 area or a single occupancy restroom or changing area designated
21 for use by students of the opposite sex while students of the
22 opposite sex are present or could be present. Reasonable
23 accommodations may include any of the following:

24 a. Access to a single occupancy restroom or changing area.

25 b. Access to a unisex single occupancy restroom or changing
26 area by only one student at a time.

27 c. Controlled use of faculty multiple occupancy restroom or
28 changing area or a single occupancy restroom or changing area.

29 5. This section shall not be construed to prohibit a school
30 from doing any of the following:

31 a. Adopting policies necessary to accommodate disabled
32 persons or young children in need of physical assistance when
33 using a multiple occupancy restroom or changing area, a single
34 occupancy restroom or changing area, or other facility or
35 setting described in subsection 3.

1 *b.* Permitting access to a multiple occupancy restroom or
2 changing area, a single occupancy restroom or changing area,
3 or other facility described in subsection 3 for custodial or
4 maintenance purposes when such facility is not occupied by a
5 member of the opposite sex.

6 *c.* Rendering medical assistance.

7 *d.* Permitting access to a multiple occupancy restroom or
8 changing area, a single occupancy restroom or changing area,
9 or other facility or setting described in subsection 3 during
10 a natural disaster, emergency, or when necessary to prevent a
11 serious threat to student safety.

12 6. *a.* A citizen of this state may file a complaint with the
13 office of the attorney general that a school is in violation
14 of the provisions of this section if all of the following are
15 true:

16 (1) The citizen provides written notice to the school
17 describing the violation.

18 (2) The school does not cure the violation within three
19 business days after receiving written notice of the violation.

20 *b.* A complaint filed pursuant to this section shall include
21 all of the following:

22 (1) A copy of the written notice delivered to the school.

23 (2) A signed statement by the citizen describing the
24 violation and stating that notice was provided.

25 *c.* Upon receipt of a complaint, the attorney general shall
26 investigate the violation described in the complaint. If the
27 attorney general determines that no violation occurred or that
28 no further legal action is warranted, then the attorney general
29 shall send written notice of such determination to the citizen
30 who filed the complaint and to the school. If the attorney
31 general determines that legal action is warranted to cure the
32 violation, then the attorney general may file an action in a
33 court of competent jurisdiction seeking such equitable relief
34 as the attorney general deems appropriate.

35 *d.* This subsection shall not limit other remedies at law or

1 equity available to the aggrieved person against the school.

2 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
3 importance, takes effect upon enactment.

4

EXPLANATION

5

The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7

This bill requires elementary and secondary public schools
8 to designate and allow the use of multiple occupancy restrooms
9 and changing areas only by persons of the same biological sex.
10 The bill prohibits a person from entering a single or multiple
11 occupancy restroom or changing area in a school that does not
12 correspond with the person's biological sex. The bill allows
13 schools to provide alternative facilities upon a request to
14 school officials for alternative facilities from the parents
15 of the student.

16

The bill also allows any citizen of the state to file a
17 complaint of violation of the bill with the attorney general
18 if the citizen provides written notice to the public school
19 describing the violation and the public school does not cure
20 the violation within three business days after receiving
21 written notice. The complaint filed with the attorney general
22 must have a copy of the written notice that had been delivered
23 to the school and a signed statement by the citizen describing
24 the violation. The attorney general is required to investigate
25 the claim of a violation and pursue legal action if warranted.

26

The bill provides that such designations and prohibitions do
27 not constitute unfair or discriminatory practices in violation
28 of the Iowa civil rights Act, Code chapter 216.