

House Study Bill 208 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act permitting public schools to designate and allow the
2 use of restrooms and changing facilities only by persons of
3 the same biological sex, and providing a private cause of
4 action.

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

1 Section 1. Section 216.9, Code 2023, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. It shall not be an unfair or
4 discriminatory practice for a public school to require
5 restrooms or changing facilities to be designated only for and
6 used by persons of the same sex as provided in chapter 280B.
7 It also shall not be an unfair or discriminatory practice for
8 a public school to prohibit a person from using a restroom or
9 changing facility that does not correspond with the person's
10 sex. For purposes of this subsection, "*public school*" means the
11 same as defined in section 280B.2.

12 Sec. 2. NEW SECTION. 280B.1 Short title.

13 This chapter may be cited as the "*Iowa Accommodations for All*
14 *Children Act*".

15 Sec. 3. NEW SECTION. 280B.2 Definitions.

16 For purposes of this chapter:

17 1. "*Changing facility*" means a facility in which a person
18 may be in a state of undress in the presence of others,
19 including a locker room, changing room, or shower room.

20 2. "*Public school*" means a school as described in chapter
21 256E, 256F, or 274. "*Public school*" does not include any
22 accredited or nonaccredited nonpublic schools, including
23 private schools, religious schools, and home-educating
24 families.

25 3. "*Restroom*" means a facility that includes one or more
26 toilets or urinals.

27 4. "*Sex*" means the same as defined in section 261I.1.

28 Sec. 4. NEW SECTION. 280B.3 Privacy accommodations.

29 1. A public school shall provide a reasonable accommodation
30 to any person who both:

31 a. For any reason, is unwilling or unable to use a
32 multi-occupancy restroom or changing facility that is
33 designated for the person's sex and located within a public
34 school building, or multi-occupancy sleeping quarters while
35 attending a public school sponsored activity.

1 *b.* Requests a reasonable accommodation to the public school.

2 2. Reasonable accommodations may include access to a
3 single-occupancy restroom or changing facility, or use of
4 an employee restroom or changing facility. In granting a
5 reasonable accommodation or otherwise, a public school shall
6 not provide access to a restroom or changing facility that is
7 designated for use by members of the opposite sex while persons
8 of the opposite sex are present or could be present.

9 3. This section shall not be construed to prohibit public
10 schools from adopting policies necessary to accommodate persons
11 protected under the federal Americans with Disabilities Act
12 or young children in need of physical assistance when using
13 restrooms or changing facilities located in public schools.

14 4. This section shall not be construed to prohibit
15 public schools from authorizing a person to enter a facility
16 designated for the opposite sex for the following purposes:

17 *a.* Custodial or maintenance purposes, when the facility is
18 not occupied by a member of the opposite sex.

19 *b.* To render emergency medical assistance.

20 *c.* During a natural disaster, emergency, or when necessary
21 to prevent serious threat to good order or student safety.

22 Sec. 5. NEW SECTION. **280B.4 Private cause of action —**
23 **damages.**

24 1. A person whose written request for a reasonable
25 accommodation is denied by the public school shall have a
26 private cause of action against the public school unless the
27 public school can demonstrate that the accommodation would
28 cause undue hardship.

29 2. A person has a private cause of action against a public
30 school if the public school gave a member of the opposite sex
31 permission to use the restroom, changing facility, or sleeping
32 quarters and the person either:

33 *a.* Encounters a member of the opposite sex in the
34 multi-occupancy restroom or changing facility designated for
35 the person's sex and located in a public school building.

1 *b.* Is required by the public school to share sleeping
2 quarters with a member of the opposite sex, unless such persons
3 are members of the same family including spouse, parent or
4 guardian, child, sibling, or grandparent.

5 3. Any claims arising pursuant to this section shall
6 be brought in the state or federal trial court in whose
7 jurisdiction either the person resides or the public school is
8 located at the time of filing.

9 4. All civil actions brought pursuant to this section must
10 be brought within two years after the violation occurred.

11 5. Persons aggrieved under this section who prevail in court
12 may recover monetary damages for all psychological, emotional,
13 and physical harm suffered.

14 6. This section shall not limit other remedies at law or
15 equity available to the aggrieved person against the public
16 school.

17

EXPLANATION

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

20 This bill permits public schools to designate and allow the
21 use of restrooms and changing facilities only by persons of the
22 same sex. The bill defines changing facility, public school,
23 sex, and restroom. Sex means a person's biological sex as
24 either female or male. The sex listed on a student's official
25 birth certificate or certificate issued upon adoption may be
26 relied upon if the certificate was issued at or near the time
27 of the student's birth. Changing facility means a facility,
28 including but not limited to a locker room, changing room, or
29 shower room, designed or designated to be used by more than one
30 person at a time where a person may be in varying stages of
31 undress in the presence of other persons.

32 The bill provides that accommodations may be made due to
33 special circumstances at a person's request. Accommodations
34 include allowing a person to use a single-occupancy restroom or
35 changing facility. An accommodation shall not include allowing

1 a person to use a multiple-occupancy restroom or changing
2 facility that does not correspond with the person's sex. The
3 bill states that the policies that result from the bill do not
4 constitute unfair or discriminatory practices in violation of
5 the Iowa civil rights Act, Code chapter 216.

6 The bill provides that a person may enter a bathroom or
7 changing facility inconsistent with the person's biological sex
8 under any of the following circumstances: for custodial or
9 maintenance purposes; to render medical assistance; in a public
10 school, to accompany a young child needing assistance; or if
11 necessary during a natural disaster.

12 The bill provides for private cause of action if a
13 public school violates new Code chapter 280B. Any person
14 has private cause of action if the school denies the person
15 an accommodation without proving undue hardship. The bill
16 also allows any person a private cause of action if the
17 person encounters a member of the opposite sex in a restroom
18 or changing facility designated for the person's sex or is
19 required by the public school to share sleeping quarters with a
20 member of the opposite sex who is not a member of the person's
21 family and the school gave permission to the member of the
22 opposite sex to use the restroom or changing facility. The
23 bill establishes jurisdiction and that a claim shall be brought
24 within two years of the violation. A person is able to recover
25 monetary damages for the harm suffered and any other remedies
26 available by law or equity available to the person against the
27 school.