

Senate File 335 - Introduced

SENATE FILE 335

BY WESTRICH

A BILL FOR

1 An Act prohibiting persons from entering single and multiple
2 occupancy toilet facilities and other facilities in
3 elementary and secondary schools that do not correspond with
4 the person's biological sex and including effective date
5 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 toilet facilities in schools — use by persons of same
3 biological sex.

4 It shall not be an unfair or discriminatory practice for
5 a school to require a single or multiple occupancy toilet
6 facility to be designated only for and used by persons of
7 the same biological sex as provided in section 279.77. It
8 shall not be an unfair or discriminatory practice to prohibit
9 a person from using a single or multiple occupancy toilet
10 facility that does not correspond with the person's biological
11 sex as provided in section 279.77.

12 Sec. 2. NEW SECTION. 279.77 Single and multiple occupancy
13 toilet facilities — use by persons of same biological sex.

14 1. As used in this section:

15 a. *"Multiple occupancy toilet facility"* means a toilet
16 facility designed or designated to be used by more than one
17 person at a time.

18 b. *"School"* means an attendance center operated by a school
19 district.

20 c. *"Sex"* means the biological sex designation of female
21 or male on a person's birth certificate, characterized by
22 reproductive anatomy and chromosomes.

23 d. *"Single occupancy toilet facility"* means a toilet facility
24 designed or designated to be used by only one person at a time.

25 2. A school shall require a multiple occupancy toilet
26 facility to be designated only for and used by persons of the
27 same sex. A person shall not enter a school multiple occupancy
28 toilet facility, or a single occupancy toilet facility
29 designated only for persons of the same sex, that does not
30 correspond with the person's sex.

31 3. In any other school facility, a facility used for
32 overnight accommodations or other setting not specified in
33 subsection 2 where a student may be in a state of undress in
34 the presence of other students, school personnel shall provide
35 separate, private areas designated for use by students based on

1 the students' sex.

2 4. Students who, for any reason, desire greater privacy when
3 using a multiple occupancy toilet facility, a single occupancy
4 toilet facility, or other facility described in subsection 3,
5 and whose parent or legal guardian provides written consent
6 to school officials, may submit a request to such officials
7 for access to alternative facilities. The school official to
8 whom a request is submitted shall evaluate such request and
9 shall, to the extent reasonable, offer options for alternative
10 facilities. In no event shall any accommodation be made that
11 includes access to a student multiple occupancy toilet facility
12 or a single occupancy toilet facility designated for use by
13 students of the opposite sex while students of the opposite sex
14 are present or could be present. Reasonable accommodations
15 include all of the following:

16 a. Access to a single occupancy toilet facility.

17 b. Access to a unisex single occupancy toilet facility by
18 only one student at a time.

19 c. Controlled use of faculty multiple occupancy toilet
20 facility or a single occupancy toilet facility.

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

23 a. Adopting policies necessary to accommodate disabled
24 persons or young children in need of physical assistance when
25 using a multiple occupancy toilet facility, a single occupancy
26 toilet facility, or other facility described in subsection 3.

27 b. Permitting access to a multiple occupancy toilet
28 facility, a single occupancy toilet facility, or other facility
29 described in subsection 3 for custodial or maintenance purposes
30 when such facility is not occupied by a member of the opposite
31 sex.

32 c. Rendering medical assistance.

33 d. Permitting access to a multiple occupancy toilet
34 facility, a single occupancy toilet facility, or other facility
35 described in subsection 3 during a natural disaster, emergency,

1 or when necessary to prevent a serious threat to good order or
2 student safety.

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

7 (1) The citizen provides written notice to the school
8 describing the violation.

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

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

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

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

16 *c.* Upon receipt of a complaint, the attorney general shall
17 investigate the violation described in the complaint. If the
18 attorney general determines that no violation occurred or that
19 no further legal action is warranted, then the attorney general
20 shall send written notice of such determination to the citizen
21 who filed the complaint and to the school. If the attorney
22 general determines that legal action is warranted to cure the
23 violation, then the attorney general may file an action in a
24 court of competent jurisdiction seeking such equitable relief
25 as the attorney general deems appropriate.

26 *d.* This subsection shall not limit other remedies at law or
27 equity available to the aggrieved person against the school.

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

30 EXPLANATION

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

33 This bill requires elementary and secondary public schools
34 to designate and allow the use of multiple occupancy toilet
35 facilities only by persons of the same biological sex. The

1 bill prohibits a person from entering a single or multiple
2 occupancy toilet facility in a school that does not correspond
3 with the person's biological sex. The bill allows schools
4 to provide alternative facilities upon a request to school
5 officials for alternative facilities from the parents of the
6 student.

7 The bill also allows any citizen of the state to file a
8 complaint of violation of the bill with the attorney general
9 if the citizen provides written notice to the public school
10 describing the violation and the public school does not cure
11 the violation within three business days after receiving
12 written notice. The complaint filed with the attorney general
13 must have a copy of the written notice that had been delivered
14 to the school and a signed statement by the citizen describing
15 the violation. The attorney general is required to investigate
16 the claim of a violation and pursue legal action if warranted.

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