

Fiscal Estimate Narratives

DPI 1/19/2016

LRB Number	15-4120/1	Introduction Number	SB-582	Estimate Type	Original
Description Use of changing rooms by pupils					

Assumptions Used in Arriving at Fiscal Estimate

This bill requires a school board to designate each pupil restroom and changing room (together, changing room) located in a public school building and accessible by multiple pupils as for the exclusive use of pupils of only one sex. The bill defines "sex" as the physical condition of being male or female, as determined by an individual's reproductive organs and as designated on that individual's birth certificate. With certain exceptions, the bill prohibits a member of the female sex from using a changing room that has been designated as a male changing room and prohibits a member of the male sex from using a changing room that has been designated as a female changing room. In addition, the bill permits a school board to temporarily redesignate a pupil restroom or changing room for special events.

The bill requires a school board to provide reasonable accommodations to a pupil to use a single-occupancy changing room or the regulated use of a faculty changing room if the parent or guardian of the pupil submits a written request to receive the accommodations. The bill requires the school to treat a written request for accommodations as a confidential pupil record.

The bill also permits a school board to provide a gender-neutral restroom in a school for use by pupils. The bill defines a gender-neutral restroom as a restroom that satisfies all of the following requirements: 1) the restroom has two or more stalls; 2) each stall in the restroom has a floor-to-ceiling door with a lock or latch so that the door may be locked or latched from the inside; 3) each stall in the restroom is separated from any other stall by either a wall or floor-to-ceiling partitions; 4) there are no spaces between the doors, walls, and partitions used in the construction of each stall so that a person standing outside a stall cannot see inside the stall and a person inside a stall cannot see into any other stall; 5) if the restroom has a urinal, the urinal is located in a stall that meets all the other requirements for a stall.

The bill permits the pupil's parent or guardian to file a written complaint regarding a violation of the requirements in the bill, and requires the school board to investigate and attempt to resolve the complaint.

Local: With certain exceptions provided by the bill, members of the female sex will be prohibited from using a changing room that has been designated as a male changing room and members of the male sex will be prohibited from using a changing room that has been designated as a female changing room. In all other cases, school boards are permitted to provide a gender neutral restroom in a school for use by pupils, as long as it satisfies certain requirements, including that the restroom has two or more stalls separated by floor-to-ceiling partitions that include floor-to-ceiling doors with a lock or latch so that the door may be locked from the inside. For a school district restroom to meet the requirements of a "gender-neutral" facility, school districts may be expected to retrofit existing facilities to accommodate for students that wish to make use of a gender-neutral changing room. School boards will also be permitted to temporarily establish a pupil restroom or changing room for special events.

Additionally, school boards must 1) provide reasonable accommodations to a pupil to use a single-occupancy changing room or the regulated use of a faculty changing room if the parent or guardian of the pupil submits a request to receive the accommodations, and 2) treat a written request for accommodations as a confidential pupil record. School district policies and procedures with respect to anti-harassment and accommodations for transgender individuals will have to be revised to comply with the new requirements under this bill.

Finally, school boards will be expected to investigate any formal complaint in the event these accommodations are not satisfactory to the pupil or parent/guardian of the pupil, and they must attempt to resolve the complaint to the extent possible. A school district may face costs related to legal action taken against a school district as a result of the provisions included in the bill. Because the number of affected students, or the extent to which these accommodations must be made, is unknown, the local fiscal impact

as a result of compliance with the provisions included in this bill is indeterminate. It could also be stated that because the bill appears to conflict with recent guidance from the U.S. Department of Education in relation to Title IX with regard to sex identity as a form of sex discrimination, school districts that violate this standard could risk losing some or all of its Title IX funding. These potential costs are indeterminate.

State: None.

Long-Range Fiscal Implications