

2015 DRAFTING REQUEST

Bill

Received: **12/15/2015** Received By: **tkuczens**
For: **Stephen Nass (608) 266-2635** Same as LRB:
May Contact: By/Representing: **Mike**
Subject: **Education - school boards** Drafter: **tkuczens**
Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Nass@legis.wisconsin.gov**
Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**
fern.knepp@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Use of changing rooms by pupils

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			_____	sbasford 12/16/2015	lparisi 12/16/2015	Local

FE Sent For:

at
intro

<END>

Kuczenski, Tracy

From: Mikalsen, Mike
Sent: Tuesday, December 15, 2015 11:41 AM
To: Kuczenski, Tracy
Subject: Sen. Nass Request for Bill Draft - Changing Rooms for Pupils

Tracy,

Sen. Nass would like to get a senate bill draft containing the provisions of LRBs0203/1 (ASA to AB 469). The substitute amendment was drafted by Rep. Kremer. They are co-authors of AB 469.

Mike Mikalsen
Chief of Staff
Senator Steve Nass
11th State Senate District
(608) 266-2635



State of Wisconsin
2015 - 2016 LEGISLATURE

4/20/11
LRBs0202/1
TKK:amn
RMINZ
insert

9
ASSEMBLY SUBSTITUTE AMENDMENT,

TO ASSEMBLY BILL 469

6
2015

SA ✓

12/15

wanted 12/14

Regen ✓

Insert Analysis

1 AN ACT to create 118.315 of the statutes; relating to: use of changing rooms by
2 pupils.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 118.315 of the statutes is created to read:

4 **118.315 Pupil physical privacy.** (1) In this section:

5 (a) "Changing room" means a room or area, with or without stalls for individual
6 use, designated for a person to change his or her clothes. "Changing room" includes
7 a locker room, shower room, and dressing room, but does not include a
8 gender-neutral restroom.

9 (b) "Gender-neutral restroom" means a restroom that satisfies all of the
10 following requirements:

11 1. The restroom has 2 or more stalls.

1 2. Each stall in the restroom has a floor-to-ceiling door with a lock or latch so
2 that the door may be locked or latched from the inside.

3 3. Each stall in the restroom is separated from any other stall by either a wall
4 or floor-to-ceiling partitions.

5 4. There are no spaces between the doors, walls, and partitions used in the
6 construction of each stall so that a person standing outside a stall cannot see inside
7 the stall and a person inside a stall cannot see into any other stall.

8 5. If the restroom has a urinal, the urinal is located in a stall that meets the
9 requirements under subds. 2. to 4.

10 (c) “Sex” means the physical condition of being male or female, as determined
11 by an individual’s reproductive organs and as designated on that individual’s birth
12 certificate.

13 **(2)** (a) 1. A school board shall designate each pupil restroom and changing room
14 located in a public school building in the school district and accessible by multiple
15 pupils simultaneously as for the exclusive use of pupils of only one sex.

16 2. The school board may establish policies for special events, including athletic
17 events, during which the school board may temporarily redesignate a pupil restroom
18 and changing room. Upon the conclusion of the special event, the pupil restroom and
19 changing room shall revert to the designation under subd. 1.

20 (b) 1. Except as provided in subd. 2., no member of the female sex may use a
21 pupil restroom or changing room that has been designated by the school board for the
22 exclusive use of the male sex, and no member of the male sex may use a pupil
23 restroom or changing room that has been designated by the school board for the
24 exclusive use of the female sex.

1 2. a. The prohibition under subd. 1. does not apply if the school board has set
2 aside the designation under par. (a) 1. pursuant to a policy established under par. (a)
3 2.

4 b. The prohibition under subd. 1. does not apply to a janitor or maintenance
5 person when performing duties related to his or her employment; to a teacher, school
6 administrator, police officer, or emergency medical services personnel when
7 performing duties related to his or her employment; to a parent, other family
8 member, or guardian assisting a child; or to a person providing assistance to a person
9 with a disability.

10 (3) (a) A school board shall provide reasonable accommodations to a pupil to
11 use a single-occupancy restroom or changing room or the regulated use of a faculty
12 restroom or changing room if the parent or guardian of the pupil submits to the
13 administrator of the school in which the pupil is enrolled a written request to receive
14 accommodations under this paragraph. The school administrator shall treat a
15 written request submitted under this paragraph as a pupil record subject to the
16 protections under s. 118.125 (2).

17 (b) Subject to the requirements of s. 120.12 (12), a school board may provide a
18 gender-neutral restroom in a school in the school district for use by pupils.

19 (4) (a) If a school board receives a written complaint from a pupil enrolled in
20 the school district, or the parent or guardian of a pupil enrolled in the district,
21 regarding a violation of this section, the school board shall, within 30 days,
22 investigate and attempt to resolve the complaint.

23 (b) Subject to s. 118.26 or, for a school district operating under ch. 119, s. 119.68,
24 the pupil, or the parent or guardian of the pupil, who submitted a written complaint

1 under par. (a) may bring a claim for any of the following if the complaint is not
2 resolved to the satisfaction of the pupil or the pupil's parent or guardian:

- 3 1. Declaratory relief.
- 4 2. Injunctive relief.
- 5 3. Damages, including the reimbursement of reasonable attorney fees.

6 (END)

INSERT ANALYSIS

Analysis by the Legislative Reference Bureau

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 the male changing room and prohibits a member of the male sex from using a changing room that has been designated as the female changing room. In addition, the bill permits a school board to temporarily designate 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 2 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.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

Parisi, Lori

From: Mikalsen, Mike
Sent: Wednesday, December 16, 2015 11:25 AM
To: LRB.Legal
Subject: Draft Review: LRB -4120/1

Please Jacket LRB -4120/1 for the SENATE.