



State of Wisconsin
2015 - 2016 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 469**

February 9, 2016 - Offered by Representative KNUDSON.

1 **AN ACT** *to create* 118.315 of the statutes; **relating to:** the use of locker rooms
2 by 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) "Locker room" means a room or area designated for a person to change his
6 or her clothes or be in a state of undress. "Locker room" includes a shower room.

7 (b) "Sex" means the physical condition of being male or female, as determined
8 by an individual's reproductive organs and as designated on that individual's birth
9 certificate.

10 **(2)** (a) 1. a. Subject to subd. 1. b., a school board shall designate each pupil
11 locker room located in a public school building in the school district and accessible
12 by multiple pupils simultaneously as for the exclusive use of pupils of only one sex.

1 b. A school board may designate one or more locker rooms as a gender-neutral
2 locker room.

3 2. The school board may establish policies for special events, including athletic
4 events, during which the school board may temporarily redesignate a pupil locker
5 room. Upon the conclusion of the special event, the school board shall terminate the
6 temporary redesignation.

7 (b) 1. Except as provided in subd. 2., no member of the female sex may use a
8 pupil locker room that has been designated by the school board for the exclusive use
9 of the male sex, and no member of the male sex may use a pupil locker room that has
10 been designated by the school board for the exclusive use of the female sex.

11 2. a. The prohibition under subd. 1. does not apply if the school board has set
12 aside the designation under par. (a) 1. pursuant to a policy established under par. (a)
13 2.

14 b. The prohibition under subd. 1. does not apply to a janitor or maintenance
15 person when performing duties related to his or her employment; to a teacher, school
16 administrator, police officer, or emergency medical services personnel when
17 performing duties related to his or her employment, including during an emergency
18 or a drill described under s. 118.07 (2) (a); to a child being assisted by a parent, other
19 family member, or guardian; or to a person providing assistance to a person with a
20 disability.

21 **(3)** (a) 1. A pupil of the male sex, or the parent or guardian of that pupil, who
22 observes a pupil of the female sex entering into a locker room designated under sub.
23 (2) (a) 1. for the male sex may file a written complaint with the school principal.

1 2. A pupil of the female sex, or the parent or guardian of that pupil, who
2 observes a pupil of the male sex entering into a locker room designated under sub.
3 (2) (a) 1. for the female sex may file a written complaint with the school principal.

4 (b) A principal who receives a complaint under par. (a) shall treat the complaint
5 as a pupil record subject to the protections under s. 118.125 (2) and shall investigate
6 the allegations made in the complaint.

7 (c) 1. If the principal determines that a complaint received under par. (a) 1. is
8 valid, the principal shall prohibit the pupil of the female sex from using the locker
9 room designated for the male sex and shall offer the pupil of the female sex a
10 reasonable accommodation, including the use of a gender-neutral locker room
11 designated under sub. (2) (a) 1. b. The principal may not prohibit the pupil on whose
12 behalf the complaint was filed from using the locker room designated for the male
13 sex.

14 2. If the principal determines that a complaint received under par. (a) 2. is valid,
15 the principal shall prohibit the pupil of the male sex from using the locker room
16 designated for the female sex and shall offer the pupil of the male sex a reasonable
17 accommodation, including the use of a gender-neutral locker room designated under
18 sub. (2) (a) 1. b. The principal may not prohibit the pupil on whose behalf the
19 complaint was filed from using the locker room designated for the female sex.

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(END)