HB4474

99TH GENERAL ASSEMBLY
State of Illinois
2015 and 2016
HB4474
by Rep. Thomas Morrison

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.58 new
105 ILCS 5/34-18.50 new

Amends the School Code. Requires a school board to designate each pupil restroom, changing room, or overnight facility accessible by multiple pupils simultaneously, whether located in a public school building or located in a facility utilized by the school for a school-sponsored activity, for the exclusive use of pupils of only one sex. Defines "sex" as the physical condition of being male or female, as determined by an individual's chromosomes and identified at birth by that individual's anatomy. Provides that no member of the female sex may use a pupil restroom or changing room that has been designated by the school board for the exclusive use of the male sex and no member of the male sex may use a pupil restroom or changing room that has been designated by the school board for the exclusive use of the female sex, with exceptions. Authorizes a school board to provide reasonable accommodations to a pupil to use a single-occupancy restroom or changing room or the regulated use of a faculty restroom or changing room if the pupil, if the pupil is an adult or an emancipated minor, or the parent or guardian of a minor pupil submits to school officials, in writing, a request to receive such accommodations and the pupil is a member of the male sex but does not identify as a member of the male sex or the pupil is a member of the female sex but does not identify as a member of the female sex. Sets forth a complaint procedure.

LRB099 15700 NHT 42453 b

FISCAL NOTE ACT
MAY APPLY
AN ACT concerning education, which may be referred to as the Child Privacy Act.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Sections 10-20.58 and 34-18.50 as follows:

(105 ILCS 5/10-20.58 new)
Sec. 10-20.58. Pupil physical privacy.
(a) In this Section:
"Changing room" means a room or area, with or without stalls for individual use, designated for a person to change his or her clothes and includes a locker room, shower room, or dressing room.
"Sex" means the physical condition of being male or female, as determined by an individual's chromosomes and identified at birth by that individual's anatomy.
(b) A school board shall designate each pupil restroom, changing room, or overnight facility accessible by multiple pupils simultaneously, whether located in a public school building or located in a facility utilized by the school for a school-sponsored activity, for the exclusive use of pupils of only one sex.
(c) A school board may establish policies for special
events, including athletic events, during which the school board may temporarily redesignate a pupil restroom or changing room. Upon the conclusion of the special event, the pupil restroom or changing room shall revert to the designation under subsection (b) of this Section.

(d) Except as provided in subsection (c) of this Section, no member of the female sex may use a pupil restroom or changing room that has been designated by the school board for the exclusive use of the male sex, and no member of the male sex may use a pupil restroom or changing room that has been designated by the school board for the exclusive use of the female sex. The prohibition under this subsection (d) does not apply to a child under the age of 7 who is being assisted by a parent, guardian, or family member or to a person providing assistance to a person with a disability.

(e) A school board may provide reasonable accommodations to a pupil to use a single-occupancy restroom or changing room or the regulated use of a faculty restroom or changing room if the following conditions are met:

(1) The pupil, if the pupil is an adult or an emancipated minor, or the parent or guardian of a minor pupil submits to school officials, in writing, a request to receive accommodations under this subsection (e). This request is considered a school student record that is exempt from inspection and copying under subsection (r) of Section 7.5 of the Freedom of Information Act.
(2) One of the following applies:

(A) The pupil is a member of the male sex but does not identify as a member of the male sex.

(B) The pupil is a member of the female sex but does not identify as a member of the female sex.

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

(g) The pupil or the parent or guardian of the pupil who submitted a written complaint under subsection (f) of this Section may bring a claim in the circuit court of the county in which the school is located for any of the following if the complaint is not resolved to the satisfaction of the pupil or the pupil's parent or guardian:

(1) Declaratory relief.

(2) Injunctive relief.

(3) Damages, including the reimbursement of reasonable attorney's fees.

(105 ILCS 5/34-18.50 new)

Sec. 34-18.50. Pupil physical privacy.

(a) In this Section:

"Changing room" means a room or area, with or without stalls for individual use, designated for a person to change
his or her clothes and includes a locker room, shower room, or
dressing room.

"Sex" means the physical condition of being male or female,
as determined by an individual's chromosomes and identified at
birth by that individual's anatomy.

(b) The board shall designate each pupil restroom, changing
room, or overnight facility accessible by multiple pupils
simultaneously, whether located in a public school building or
located in a facility utilized by the school for a
school-sponsored activity, for the exclusive use of pupils of
only one sex.

(c) The board may establish policies for special events,
including athletic events, during which the board may
temporarily redesignate a pupil restroom or changing room. Upon
the conclusion of the special event, the pupil restroom or
changing room shall revert to the designation under subsection
(b) of this Section.

(d) Except as provided in subsection (c) of this Section,
no member of the female sex may use a pupil restroom or
changing room that has been designated by the board for the
exclusive use of the male sex, and no member of the male sex
may use a pupil restroom or changing room that has been
designated by the board for the exclusive use of the female
sex. The prohibition under this subsection (d) does not apply
to a child under the age of 7 who is being assisted by a parent,
guardian, or family member or to a person providing assistance
to a person with a disability.

(e) The board may provide reasonable accommodations to a pupil to use a single-occupancy restroom or changing room or the regulated use of a faculty restroom or changing room if the following conditions are met:

(1) The pupil, if the pupil is an adult or an emancipated minor, or the parent or guardian of a minor pupil submits to school officials, in writing, a request to receive accommodations under this subsection (e). This request is considered a school student record that is exempt from inspection and copying under subsection (r) of Section 7.5 of the Freedom of Information Act.

(2) One of the following applies:

(A) The pupil is a member of the male sex but does not identify as a member of the male sex.

(B) The pupil is a member of the female sex but does not identify as a member of the female sex.

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

(g) The pupil or the parent or guardian of the pupil who submitted a written complaint under subsection (f) of this Section may bring a claim in the circuit court of the county in which the school is located for any of the following if the
complaint is not resolved to the satisfaction of the pupil or the pupil's parent or guardian:

(1) Declaratory relief.

(2) Injunctive relief.

(3) Damages, including the reimbursement of reasonable attorney's fees.