

SENATE FILE NO. SF0062

Restrooms in publicly funded schools-2.

Sponsored by: Senator(s) Laursen, D, Brennan, French, Ide,  
Olsen, Salazar and Smith, D and  
Representative(s) Banks, Bear, Heiner,  
Ottman, Pendergraft, Rodriguez-Williams,  
Webber and Winter

A BILL

for

1 AN ACT relating to school districts; requiring public  
2 school children to use restrooms that align with their sex  
3 at birth; requiring reasonable accommodations; providing  
4 exceptions; providing penalties; providing definitions; and  
5 providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 21-3-137 is created to read:

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11 **21-3-137. Restrooms in public schools; requirements;**  
12 **definitions; penalties; rulemaking.**

13

14 (a) As used in this section:

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2 (i) "Coach" means a person, including but not  
3 limited to coaches, assistant coaches or athletic trainers,  
4 employed by or contracted with a public school who is  
5 involved in the teaching, coaching or training of students  
6 participating in a school-sponsored athletic activity;

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8 (ii) "Multiple occupancy restroom or changing  
9 room" means a room in a public school building designed or  
10 designated to be used by more than one (1) person at the  
11 same time, where persons may be in various stages of  
12 undress in the presence of other persons. The term includes  
13 but is not limited to a school restroom, locker room,  
14 changing room or shower room;

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16 (iii) "School-sponsored athletic activity" means  
17 a sporting event that is supported and affiliated with the  
18 school;

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20 (iv) "Sex" means as defined by W.S.  
21 21-25-101(a)(iv).

22

1           (b) To ensure privacy and safety, each public school  
2 district that serves students in pre-kindergarten through  
3 twelfth grade in this state shall require every multiple  
4 occupancy restroom or changing room to be designated as  
5 follows:

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7                   (i) For the exclusive use of the male sex; or

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9                   (ii) For the exclusive use of the female sex.

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11           (c) Each public school district shall provide a  
12 reasonable accommodation to any person who does not wish to  
13 use a multiple occupancy restroom or changing room in  
14 accordance with the designation required under subsection  
15 (b) of this section. For purposes of this subsection, a  
16 reasonable accommodation shall include a single-occupancy  
17 restroom or changing room.

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19           (d) This section shall not apply to persons entering  
20 a multiple occupancy restroom or changing room designated  
21 for use by the opposite sex when entering in any of the  
22 following circumstances:

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1           (i) For custodial, maintenance, repair or  
2 inspection purposes;

3  
4           (ii) To render emergency medical assistance; or

5  
6           (iii) If a suitable meeting room or area is not  
7 available, a coach may enter a locker room before, during  
8 or after a school-sponsored athletic activity, provided:

9  
10           (A) All students present are fully clothed;

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12           (B) The coach shall be accompanied by not  
13 less than one (1) additional adult at all times;

14  
15           (C) If the coach is the opposite sex of the  
16 students present, the coach shall be accompanied by at  
17 least one (1) adult employed by the school district and of  
18 the same sex as the students present; and

19  
20           (D) The adults present shall not be current  
21 high school students.

22

1           (e) Each school district board of trustees shall  
2 adopt policies to provide for disciplinary action for  
3 persons who refuse to comply with this section.

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5           (f) No school district board of trustees shall adopt  
6 a policy contrary to the provisions of this section.

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8           (g) Upon the department of education's finding of  
9 noncompliance with the provisions of subsection (b), (c) or  
10 (d) of this section, the noncomplying school district shall  
11 lose its accreditation under W.S. 21-2-304(a)(ii) and  
12 21-2-304(b)(ii).

13

14           (h) A parent or legal guardian of a student enrolled  
15 in and physically attending a public school district shall  
16 have a cause of action against the public school for  
17 noncompliance with the provisions of subsection (b), (c) or  
18 (d) of this section.

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20           **Section 2.** W.S. 21-2-304(b)(ii) and 21-3-110(a) by  
21 creating a new paragraph (xliv) are amended to read:

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23           **21-2-304. Duties of the state board of education.**

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2 (b) In addition to subsection (a) of this section and  
3 any other duties assigned to it by law, the state board  
4 shall:

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6 (ii) Enforce the uniform state educational  
7 program standards imposed by W.S. 21-9-101 and 21-9-102,  
8 ~~and~~ the uniform student content and performance standards  
9 established by rules and regulations adopted under  
10 subsection (a) of this section and the requirements of W.S.  
11 21-3-137, together with student performance indicators  
12 established and measured pursuant to W.S. 21-2-204, by  
13 taking appropriate administrative action with the state  
14 superintendent, including but not limited to the changing  
15 of accreditation status and a loss of accreditation status  
16 if a school district is found to be in noncompliance with  
17 the requirements of W.S. 21-3-137;

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19 **21-3-110. Duties of boards of trustees.**

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21 (a) The board of trustees in each school district  
22 shall:

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1           (xliv) Ensure that each school district in the  
2 state requires every multiple occupancy restroom or  
3 changing room be designated for the exclusive use of the  
4 male sex or the exclusive use of the female sex. School  
5 districts that are found to be in noncompliance with this  
6 requirement shall lose their accreditation under W.S.  
7 21-2-304(a)(ii) and 21-2-304(b)(ii).

8  
9           **Section 3.** This act is effective immediately upon  
10 completion of all acts necessary for a bill to become law  
11 as provided by Article 4, Section 8 of the Wyoming  
12 Constitution.

13  
14                                   (END)