

SENATE BILL No. 206

By Committee on Federal and State Affairs

2-21

1 AN ACT concerning school districts; creating the student privacy and
2 protection act.

3

4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) As used in this section:

6 (1) "Public school" means a school operated by a unified school
7 district organized under the laws of this state.

8 (2) "Sex" means an individual's immutable biological sex as
9 objectively determined by anatomy and genetics existing at the time of
10 birth. An individual's original birth certificate may be relied upon as
11 definitive evidence of the individual's sex.

12 (b) Every public school student restroom, locker room and shower
13 room accessible by multiple students at the same time shall be designated
14 for use by male students only or female students only. All student
15 restrooms, locker rooms and showers that are designated for one sex shall
16 be used only by members of that sex. In any other public school facility, a
17 facility used for overnight accommodations or other setting not specified
18 in this subsection where a student may be in a state of undress in the
19 presence of other students, school personnel shall provide separate, private
20 areas designated for use by students based on their sex.

21 (c) Students who, for any reason, desire greater privacy when using a
22 public school restroom, locker room or shower room, or other facility
23 described in subsection (b), and whose parent or legal guardian provides
24 written consent to school officials, may submit a request to such officials
25 for access to alternative facilities. The school official to whom a request is
26 submitted shall evaluate such request and shall, to the extent reasonable,
27 offer options for alternative facilities. In no event shall any
28 accommodation be made that includes access to student restrooms, locker
29 rooms or shower rooms designated for use by students of the opposite sex
30 while students of the opposite sex are present or could be present.
31 Reasonable accommodations may include, but are not limited to: Access to
32 a single-stall restroom; access to a unisex restroom by only one student at
33 a time; or controlled use of faculty restrooms, locker rooms or shower
34 rooms.

35 (d) Nothing in this section shall be construed to prohibit any public
36 school from: (1) Adopting policies necessary to accommodate disabled

1 persons or young children in need of physical assistance when using
2 restrooms or changing facilities; (2) permitting access to a restroom or
3 changing facility for custodial or maintenance purposes when such facility
4 is not occupied by a member of the opposite sex; (3) rendering medical
5 assistance; or (4) permitting access to a restroom or changing facility
6 during a natural disaster, emergency or when necessary to prevent a
7 serious threat to good order or student safety.

8 (e) (1) A citizen of this state may file a complaint with the office of
9 the attorney general that a public school is in violation of the provisions of
10 this section if: (A) The citizen provides written notice to the public school
11 describing the violation; and (B) the public school does not cure the
12 violation within three business days after receiving written notice of the
13 violation.

14 (2) A complaint filed pursuant to this section shall include: (A) A
15 copy of the written notice delivered to the public school; and (B) a signed
16 statement by the citizen describing the violation and stating that notice was
17 provided pursuant to subsection (d)(1).

18 (3) Upon receipt of a complaint, the attorney general shall investigate
19 the violation described in the complaint. If the attorney general determines
20 that no violation occurred or that no further legal action is warranted, then
21 the attorney general shall send written notice of such determination to the
22 citizen who filed the complaint and to the public school. If the attorney
23 general determines that legal action is warranted to cure the violation, then
24 the attorney general may file an action in a court of competent jurisdiction
25 seeking such equitable relief as the attorney general deems appropriate.

26 (4) Nothing in this subsection shall limit other remedies at law or
27 equity available to the aggrieved person against the public school.

28 (f) The provisions of this section are hereby declared to be severable.
29 If any provision of this section or any application thereof to any person or
30 circumstance is held to be invalid or unconstitutional, such invalidity shall
31 not affect the validity of any of the remaining provisions.

32 Sec. 2. This act shall take effect and be in force from and after its
33 publication in the statute book.