

REFERENCE TITLE: public schools; showers; reasonable accommodations

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1182

Introduced by
Senator Kavanagh

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-120.05; RELATING TO PUBLIC SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 15-120.05, to read:

4 15-120.05. Public schools; reasonable accommodations; shower
5 rooms; cause of action; definitions

6 A. A PUBLIC SCHOOL SHALL PROVIDE A REASONABLE ACCOMMODATION TO ANY
7 PERSON IF ALL OF THE FOLLOWING APPLY:

8 1. THE PERSON, FOR ANY REASON, IS UNWILLING OR UNABLE TO USE A
9 MULTI-OCCUPANCY SHOWER ROOM DESIGNATED FOR THE PERSON'S SEX THAT IS EITHER
10 LOCATED IN A PUBLIC SCHOOL BUILDING OR PROVIDED IN CONNECTION WITH A
11 PUBLIC SCHOOL-SPONSORED ACTIVITY.

12 2. THE PERSON REQUESTS IN WRITING FROM THE PUBLIC SCHOOL A
13 REASONABLE ACCOMMODATION FOR AN ALTERNATIVE SHOWER ROOM.

14 3. THE PERSON SUBMITS SATISFACTORY EVIDENCE OF THE PERSON'S SEX TO
15 THE SCHOOL.

16 B. A REASONABLE ACCOMMODATION MAY INCLUDE EITHER OF THE FOLLOWING:

17 1. ACCESS TO A SINGLE-OCCUPANCY SHOWER ROOM.

18 2. USE OF AN EMPLOYEE SHOWER ROOM.

19 C. A REASONABLE ACCOMMODATION DOES NOT INCLUDE ACCESS TO A SHOWER
20 ROOM THAT IS DESIGNATED FOR USE BY PERSONS OF THE OPPOSITE SEX WHILE
21 PERSONS OF THE OPPOSITE SEX ARE PRESENT OR COULD BE PRESENT.

22 D. THIS SECTION DOES NOT PROHIBIT PUBLIC SCHOOLS FROM ADOPTING
23 POLICIES NECESSARY TO ACCOMMODATE PERSONS WHO ARE PROTECTED UNDER THE
24 AMERICANS WITH DISABILITIES ACT OF 1990 (P.L. 101-336; 104 STAT. 327) OR
25 YOUNG CHILDREN WHO ARE IN NEED OF PHYSICAL ASSISTANCE WHEN USING SHOWER
26 ROOMS LOCATED IN PUBLIC SCHOOLS.

27 E. ANY PERSON WHOSE WRITTEN REQUEST FOR A REASONABLE ACCOMMODATION
28 UNDER THIS SECTION IS DENIED BY THE PUBLIC SCHOOL HAS A PRIVATE CAUSE OF
29 ACTION AGAINST THE PUBLIC SCHOOL UNLESS THE PUBLIC SCHOOL CAN DEMONSTRATE
30 THAT THE ACCOMMODATION WOULD CAUSE AN UNDUE HARDSHIP.

31 F. ANY PERSON WHO ENCOUNTERS A PERSON OF THE OPPOSITE SEX IN A
32 MULTI-OCCUPANCY SHOWER ROOM THAT IS DESIGNATED FOR THE PERSON'S SEX AND
33 THAT IS EITHER LOCATED IN A PUBLIC SCHOOL BUILDING OR PROVIDED IN
34 CONNECTION WITH A PUBLIC SCHOOL-SPONSORED ACTIVITY, UNLESS SUCH PERSONS
35 ARE MEMBERS OF THE SAME FAMILY, HAS A PRIVATE CAUSE OF ACTION AGAINST THE
36 PUBLIC SCHOOL IF THE PUBLIC SCHOOL GAVE THE PERSON OF THE OPPOSITE SEX
37 PERMISSION TO USE THE SHOWER ROOM. FOR THE PURPOSES OF THIS SUBSECTION,
38 "FAMILY" MEANS A PERSON'S SPOUSE, PARENT OR GUARDIAN, CHILD, SIBLING OR
39 GRANDPARENT.

40 G. ANY CLAIMS ARISING UNDER THIS SECTION MUST BE BROUGHT IN
41 SUPERIOR COURT IN THE COUNTY WHERE EITHER THE AGGRIEVED PERSON RESIDES OR
42 THE PUBLIC SCHOOL IS LOCATED AT THE TIME OF FILING.

43 H. ALL CIVIL ACTIONS BROUGHT PURSUANT TO THIS SECTION MUST BE
44 INITIATED WITHIN TWO YEARS AFTER THE ALLEGED VIOLATION OCCURRED.

1 I. ANY PERSON WHO PREVAILS ON A CLAIM BROUGHT PURSUANT TO THIS
2 SECTION:
3 1. MAY RECOVER MONETARY DAMAGES FOR ALL PSYCHOLOGICAL, EMOTIONAL
4 AND PHYSICAL HARM SUFFERED.
5 2. IS ENTITLED TO RECOVER REASONABLE ATTORNEY FEES AND COSTS.
6 J. THIS SECTION DOES NOT LIMIT OTHER REMEDIES AT LAW OR EQUITY THAT
7 ARE AVAILABLE TO THE AGGRIEVED PERSON AGAINST THE PUBLIC SCHOOL.
8 K. FOR THE PURPOSES OF THIS SECTION:
9 1. "SATISFACTORY EVIDENCE" MEANS EITHER:
10 (a) A PERSON'S ORIGINAL BIRTH CERTIFICATE.
11 (b) A PERSON'S AMENDED, CORRECTED OR OTHERWISE MODIFIED BIRTH
12 CERTIFICATE WITH A WRITTEN STATEMENT BY A PHYSICIAN ATTESTING THAT THE
13 BIOLOGICAL SEX REGISTERED IN THE BIRTH CERTIFICATE IS CONSISTENT WITH THE
14 PERSON'S CHROMOSOMAL COUNT.
15 2. "SEX" MEANS A PERSON'S IMMUTABLE BIOLOGICAL SEX AS DETERMINED BY
16 ANATOMY, PHYSIOLOGY, GENETICS AND HORMONES EXISTING AT THE TIME OF THE
17 PERSON'S BIRTH.
18 Sec. 2. Severability
19 If a provision of this act or its application to any person or
20 circumstance is held invalid, the invalidity does not affect other
21 provisions or applications of the act that can be given effect without the
22 invalid provision or application, and to this end the provisions of this
23 act are severable.
24 Sec. 3. Short title
25 This act may be cited as the "Arizona Accommodations for All
26 Children Act".