

Senate Engrossed

public schools; showers; reasonable accommodations

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

SENATE BILL 1182

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 MULTIOCCUPANCY 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.

22 D. PUBLIC SCHOOLS MAY ADOPT POLICIES TO IMPLEMENT THIS SECTION,
23 WHICH MAY INCLUDE:

24 1. PROVISIONS NECESSARY TO ACCOMMODATE PERSONS WHO ARE PROTECTED
25 UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990 (P.L. 101-336; 104 STAT.
26 327) OR YOUNG CHILDREN WHO ARE IN NEED OF PHYSICAL ASSISTANCE WHEN USING
27 SHOWER ROOMS LOCATED IN PUBLIC SCHOOLS.

28 2. PROVISIONS AUTHORIZING A PERSON TO ENTER A MULTIOCCUPANCY SHOWER
29 ROOM THAT IS DESIGNATED FOR USE BY PERSONS OF THE OPPOSITE SEX IF THE
30 PERSON ENTERS THE MULTIOCCUPANCY SHOWER ROOM FOR ONE OF THE FOLLOWING
31 PURPOSES:

32 (a) TO PERFORM CUSTODIAL OR MAINTENANCE SERVICES WHILE THE
33 MULTIOCCUPANCY SHOWER ROOM IS UNOCCUPIED.

34 (b) TO PROVIDE EMERGENCY MEDICAL ASSISTANCE.

35 (c) TO MAINTAIN ORDER OR ADDRESS A SERIOUS THREAT TO STUDENT SAFETY
36 DURING AN EMERGENCY SITUATION, INCLUDING A NATURAL DISASTER.

37 E. ANY PERSON WHOSE WRITTEN REQUEST FOR A REASONABLE ACCOMMODATION
38 UNDER THIS SECTION IS DENIED BY THE PUBLIC SCHOOL, AN ADMINISTRATOR OF A
39 PUBLIC SCHOOL OR AN EMPLOYEE OF A PUBLIC SCHOOL HAS A PRIVATE CAUSE OF
40 ACTION AGAINST THE PUBLIC SCHOOL UNLESS THE PUBLIC SCHOOL CAN DEMONSTRATE
41 THAT THE ACCOMMODATION WOULD CAUSE AN UNDUE HARDSHIP.

42 F. ANY PERSON WHO ENCOUNTERS A PERSON OF THE OPPOSITE SEX IN A
43 MULTIOCCUPANCY SHOWER ROOM THAT IS DESIGNATED FOR THE PERSON'S SEX AND
44 THAT IS EITHER LOCATED IN A PUBLIC SCHOOL BUILDING OR PROVIDED IN
45 CONNECTION WITH A PUBLIC SCHOOL-SPONSORED ACTIVITY HAS A PRIVATE CAUSE OF

1 ACTION AGAINST THE PUBLIC SCHOOL IF THE PUBLIC SCHOOL, AN ADMINISTRATOR OF
2 THE PUBLIC SCHOOL OR AN EMPLOYEE OF THE PUBLIC SCHOOL GAVE THE PERSON OF
3 THE OPPOSITE SEX PERMISSION TO USE THE SHOWER ROOM, UNLESS ONE OF THE
4 FOLLOWING APPLIES:

5 1. THE PERSON OF THE OPPOSITE SEX IS THE PERSON'S SPOUSE, PARENT OR
6 GUARDIAN, CHILD, SIBLING OR GRANDPARENT.

7 2. THE PERSON OF THE OPPOSITE SEX IS A YOUNG CHILD WHO IS
8 ACCOMPANIED BY AN ADULT WHO IS NOT A PERSON OF THE OPPOSITE SEX.

9 3. THE PERSON OF THE OPPOSITE SEX IS PRESENT IN THE MULTIOCCUPANCY
10 SHOWER ROOM CONSISTENT WITH THE POLICIES ADOPTED PURSUANT TO SUBSECTION D
11 OF THIS SECTION.

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

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

17 I. ANY PERSON WHO PREVAILS ON A CLAIM BROUGHT PURSUANT TO THIS
18 SECTION:

19 1. MAY RECOVER MONETARY DAMAGES FOR ALL PSYCHOLOGICAL, EMOTIONAL
20 AND PHYSICAL HARM SUFFERED.

21 2. IS ENTITLED TO RECOVER REASONABLE ATTORNEY FEES AND COSTS.

22 J. THIS SECTION DOES NOT LIMIT OTHER REMEDIES AT LAW OR EQUITY THAT
23 ARE AVAILABLE TO THE AGGRIEVED PERSON AGAINST THE PUBLIC SCHOOL.

24 K. FOR THE PURPOSES OF THIS SECTION:

25 1. "SATISFACTORY EVIDENCE" MEANS EITHER:

26 (a) A PERSON'S ORIGINAL BIRTH CERTIFICATE.

27 (b) A PERSON'S AMENDED, CORRECTED OR OTHERWISE MODIFIED BIRTH
28 CERTIFICATE WITH A WRITTEN STATEMENT BY A PHYSICIAN ATTESTING THAT THE
29 BIOLOGICAL SEX REGISTERED IN THE BIRTH CERTIFICATE IS CONSISTENT WITH THE
30 PERSON'S CHROMOSOMAL COUNT.

31 2. "SEX" MEANS A PERSON'S IMMUTABLE BIOLOGICAL SEX AS DETERMINED BY
32 ANATOMY, PHYSIOLOGY, GENETICS AND HORMONES EXISTING AT THE TIME OF THE
33 PERSON'S BIRTH.

34 Sec. 2. Severability

35 If a provision of this act or its application to any person or
36 circumstance is held invalid, the invalidity does not affect other
37 provisions or applications of the act that can be given effect without the
38 invalid provision or application, and to this end the provisions of this
39 act are severable.

40 Sec. 3. Short title

41 This act may be cited as the "Arizona Accommodations for All
42 Children Act".