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

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

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

A. A public school shall provide a reasonable accommodation to any person if all of the following apply:

1. The person, for any reason, is unwilling or unable to use a multioccupancy shower room designated for the person's sex that is either located in a public school building or provided in connection with a public school-sponsored activity.

2. The person requests in writing from the public school a reasonable accommodation for an alternative shower room.

3. The person submits satisfactory evidence of the person's sex to the school.

B. A reasonable accommodation may include either of the following:

1. Access to a single-occupancy shower room.

2. Use of an employee shower room.

C. A reasonable accommodation does not include access to a shower room that is designated for use by persons of the opposite sex while persons of the opposite sex are present.

D. Public schools may adopt policies to implement this section, which may include:

1. Provisions necessary to accommodate persons who are protected under the Americans with Disabilities Act of 1990 (P.L. 101-336; 104 Stat. 327) or young children who are in need of physical assistance when using shower rooms located in public schools.

2. Provisions authorizing a person to enter a multioccupancy shower room that is designated for use by persons of the opposite sex if the person enters the multioccupancy shower room for one of the following purposes:

   a) To perform custodial or maintenance services while the multioccupancy shower room is unoccupied.

   b) To provide emergency medical assistance.

   c) To maintain order or address a serious threat to student safety during an emergency situation, including a natural disaster.

E. Any person whose written request for a reasonable accommodation under this section is denied by the public school, an administrator of a public school or an employee of a public school has a private cause of action against the public school unless the public school can demonstrate that the accommodation would cause an undue hardship.

F. Any person who encounters a person of the opposite sex in a multioccupancy shower room that is designated for the person's sex and that is either located in a public school building or provided in connection with a public school-sponsored activity has a private cause of action.
ACTION AGAINST THE PUBLIC SCHOOL IF THE PUBLIC SCHOOL, AN ADMINISTRATOR OF THE PUBLIC SCHOOL OR AN EMPLOYEE OF THE PUBLIC SCHOOL GAVE THE PERSON OF THE OPPOSITE SEX PERMISSION TO USE THE SHOWER ROOM, UNLESS ONE OF THE FOLLOWING APPLIES:

1. THE PERSON OF THE OPPOSITE SEX IS THE PERSON'S SPOUSE, PARENT OR GUARDIAN, CHILD, SIBLING OR GRANDPARENT.
2. THE PERSON OF THE OPPOSITE SEX IS A YOUNG CHILD WHO IS ACCOMPANIED BY AN ADULT WHO IS NOT A PERSON OF THE OPPOSITE SEX.
3. THE PERSON OF THE OPPOSITE SEX IS PRESENT IN THE MULTIOCCUPANCY SHOWER ROOM CONSISTENT WITH THE POLICIES ADOPTED PURSUANT TO SUBSECTION D OF THIS SECTION.

G. ANY CLAIMS ARISING UNDER THIS SECTION MUST BE BROUGHT IN SUPERIOR COURT IN THE COUNTY WHERE EITHER THE AGGRIEVED PERSON RESIDES OR THE PUBLIC SCHOOL IS LOCATED AT THE TIME OF FILING.
H. ALL CIVIL ACTIONS BROUGHT PURSUANT TO THIS SECTION MUST BE INITIATED WITHIN TWO YEARS AFTER THE ALLEGED VIOLATION OCCURRED.
I. ANY PERSON WHO PREVAILS ON A CLAIM BROUGHT PURSUANT TO THIS SECTION:
1. MAY RECOVER MONETARY DAMAGES FOR ALL PSYCHOLOGICAL, EMOTIONAL AND PHYSICAL HARM SUFFERED.
2. IS ENTITLED TO RECOVER REASONABLE ATTORNEY FEES AND COSTS.
J. THIS SECTION DOES NOT LIMIT OTHER REMEDIES AT LAW OR EQUITY THAT ARE AVAILABLE TO THE AGGRIEVED PERSON AGAINST THE PUBLIC SCHOOL.
K. FOR THE PURPOSES OF THIS SECTION:
1. "SATISFACTORY EVIDENCE" MEANS EITHER:
   (a) A PERSON'S ORIGINAL BIRTH CERTIFICATE.
   (b) A PERSON'S AMENDED, CORRECTED OR OTHERWISE MODIFIED BIRTH CERTIFICATE WITH A WRITTEN STATEMENT BY A PHYSICIAN ATTESTING THAT THE BIOLOGICAL SEX REGISTERED IN THE BIRTH CERTIFICATE IS CONSISTENT WITH THE PERSON'S CHROMOSOMAL COUNT.
2. "SEX" MEANS A PERSON'S IMMUTABLE BIOLOGICAL SEX AS DETERMINED BY ANATOMY, PHYSIOLOGY, GENETICS AND HORMONES EXISTING AT THE TIME OF THE PERSON'S BIRTH.

Sec. 2. Severability
If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Sec. 3. Short title
This act may be cited as the "Arizona Accommodations for All Children Act".