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

SENATE CONCURRENT RESOLUTION 1013

A CONCURRENT RESOLUTION
ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO PUBLIC SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it resolved by the Senate of the State of Arizona, the House of
Representatives concurring:

1. Under the power of the referendum, as vested in the Legislature,
the following measure, relating to public schools, is enacted to become
valid as a law if approved by the voters and on proclamation of the
Governor:

AN ACT
AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED
STATUTES, BY ADDING SECTION 15-120.05; AMENDING TITLE 15,
CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING
SECTION 15-509; RELATING TO PUBLIC SCHOOLS.

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;
restrooms; changing facilities; sleeping
quarters; 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 MULTI-OCCUPANCY RESTROOM OR CHANGING FACILITY THAT IS
DESIGNATED FOR THE PERSON'S SEX AND THAT IS LOCATED IN A
PUBLIC SCHOOL BUILDING OR IN MULTI-OCCUPANCY SLEEPING QUARTERS
WHILE THE PERSON ATTENDS A PUBLIC SCHOOL-SPONSORED ACTIVITY.

2. THE PERSON REQUESTS IN WRITING A REASONABLE
ACCOMMODATION FROM THE PUBLIC SCHOOL.

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

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

1. ACCESS TO A SINGLE-OCCUPANCY RESTROOM OR CHANGING
FACILITY.

2. USE OF AN EMPLOYEE RESTROOM OR CHANGING FACILITY.

C. A REASONABLE ACCOMMODATION DOES NOT INCLUDE ACCESS
TO A RESTROOM OR CHANGING FACILITY 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
PROTECTED UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990
(P.L. 101-336; 104 STAT. 327) OR YOUNG CHILDREN WHO NEED
PHYSICAL ASSISTANCE WHEN USING RESTROOMS OR CHANGING
FACILITIES THAT ARE LOCATED IN PUBLIC SCHOOLS.
2. PROVISIONS AUTHORIZING A PERSON TO ENTER A
MULTI OCCUPANCY RESTROOM, A MULTI OCCUPANCY CHANGING FACILITY OR
MULTI OCCUPANCY SLEEPING QUARTERS THAT ARE DESIGNATED FOR USE
BY PERSONS OF THE OPPOSITE SEX IF THE PERSON ENTERS THE
MULTI OCCUPANCY RESTROOM, CHANGING FACILITY OR SLEEPING
QUARTERS FOR ONE OF THE FOLLOWING PURPOSES:
   (a) TO PERFORM CUSTODIAL OR MAINTENANCE SERVICES WHILE
       THE MULTI OCCUPANCY RESTROOM, CHANGING FACILITY OR SLEEPING
       QUARTERS ARE 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 A 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. EXCEPT AS PROVIDED IN SUBSECTION G OF THIS SECTION,
A PERSON HAS A PRIVATE CAUSE OF ACTION AGAINST THE PUBLIC
SCHOOL IF BOTH OF THE FOLLOWING ARE MET:
   1. THE PERSON EITHER:
      (a) WHILE IN A MULTI OCCUPANCY RESTROOM OR CHANGING
          FACILITY THAT IS DESIGNATED FOR THE PERSON’S SEX AND LOCATED
          IN A PUBLIC SCHOOL BUILDING, ENCOUNTERS SOMEONE OF THE
          OPPOSITE SEX.
      (b) IS REQUIRED BY THE PUBLIC SCHOOL TO SHARE SLEEPING
          QUARTERS WITH SOMEONE OF THE OPPOSITE SEX WHO IS NOT A MEMBER
          OF THE PERSON’S FAMILY. FOR THE PURPOSES OF THIS SUBDIVISION,
          “FAMILY” MEANS A PERSON’S SPOUSE, PARENT OR GUARDIAN, CHILD,
          SIBLING OR GRANDPARENT.
   2. 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 RESTROOM, CHANGING
       FACILITY OR SLEEPING QUARTERS.
G. A PERSON DOES NOT HAVE A PRIVATE CAUSE OF ACTION
UNDER SUBSECTION F OF THIS SECTION IF EITHER OF THE FOLLOWING
APPLIES:
   1. 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.
   2. THE PERSON OF THE OPPOSITE SEX IS PRESENT IN THE
      MULTI OCCUPANCY RESTROOM, MULTI OCCUPANCY CHANGING FACILITY OR
MULTI OCCUPANCY SLEEPING QUARTERS CONSISTENT WITH THE POLICIES
ADOPTED PURSUANT TO SUBSECTION D OF THIS SECTION.

H. 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.

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

J. 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.

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

L. FOR THE PURPOSES OF THIS SECTION:
1. "CHANGING FACILITY":
(a) MEANS A FACILITY IN WHICH A PERSON MAY BE IN A
STATE OF UNDRESS IN THE PRESENCE OF OTHERS.
(b) INCLUDES A LOCKER ROOM, CHANGING ROOM OR SHOWER
ROOM.

2. "RESTROOM" MEANS A FACILITY THAT INCLUDES ONE OR
MORE TOILETS OR URINALS.

3. "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 ON THE BIRTH
CERTIFICATE IS CONSISTENT WITH THE PERSON'S CHROMOSOMAL COUNT.
4. "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. Title 15, chapter 5, article 1, Arizona Revised
Statutes, is amended by adding section 15-509, to read:

15-509. Pronouns; biological sex; parental permission;
prohibition; policies; definition

A. AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF A SCHOOL
DISTRICT OR CHARTER SCHOOL MAY NOT KNOWINGLY ADDRESS, IDENTIFY
OR REFER TO A STUDENT WHO IS UNDER EIGHTEEN YEARS OF AGE BY
EITHER OF THE FOLLOWING UNLESS THE SCHOOL DISTRICT OR CHARTER
SCHOOL RECEIVES WRITTEN PERMISSION FROM THE STUDENT'S PARENT:
1. A PRONOUN THAT DIFFERS FROM THE PRONOUN THAT ALIGNS
WITH THE STUDENT'S BIOLOGICAL SEX.

2. A FIRST NAME OTHER THAN THE FIRST OR MIDDLE NAME
THAT IS LISTED ON THE STUDENT'S OFFICIAL SCHOOL RECORDS,
EXCEPT THAT AN EMPLOYEE OR INDEPENDENT CONTRACTOR MAY ADDRESS,
IDENTIFY OR REFER TO A STUDENT BY A NICKNAME THAT IS COMMONLY
ASSOCIATED WITH THE STUDENT'S NAME OF RECORD.

B. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT REQUIRE
AN EMPLOYEE OR INDEPENDENT CONTRACTOR TO ADDRESS, IDENTIFY OR
REFER TO A PERSON BY A PRONOUN THAT DiffERS FROM THE PRONOUN
THAT ALIGNS WITH THE PERSON'S BIOLOGICAL SEX IF DOING SO IS
CONTRARY TO THE EMPLOYEE'S OR INDEPENDENT CONTRACTOR'S
RELIGIOUS OR MORAL CONVICTIONS.

C. EACH SCHOOL DISTRICT GOVERNING BOARD AND CHARTER
SCHOOL GOVERNING BODY SHALL ADOPT POLICIES TO IMPLEMENT THIS
SECTION.

D. THIS SECTION DOES NOT PROHIBIT ANY PERSON DESCRIBED
IN SUBSECTION A OF THIS SECTION FROM DISCUSSING MATTERS OF
PUBLIC CONCERN OUTSIDE THE CONTEXT OF THE PERSON'S OFFICIAL
DUTIES.

E. FOR THE PURPOSES OF THIS SECTION, "BIOLOGICAL 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. 3. 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.

2. The Secretary of State shall submit this proposition to the
voters at the next general election as provided by article IV, part 1,
section 1, Constitution of Arizona.