



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature
First Regular Session

Senate: ED DP 4-2-1-0 | 3rd Read 17-9-4-0

House: RO DP 3-2-0-0

SB 1003: public schools; restrooms; reasonable accommodations

Sponsor: Senator Kavanaugh, LD 3

Caucus & COW

Overview

Requires a public school to provide a reasonable accommodation for a person unwilling or unable to use a multi-occupancy restroom or changing facility for the person's designated sex. Grants private cause of action to an individual if certain conditions are met.

History

[Title 15, Chapter 1](#) (General Education Provisions) defines *public school* as any public institution established to offer instruction to students in preschool programs for children with disabilities, kindergarten programs or any combination of elementary or secondary grades 1st-12th.

The Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in certain areas, such as employment, state or local government services, public accommodations, transportation and telecommunications. Buildings open to the public, including public schools, are required to meet ADA guidelines ([28 C.F.R. § 35](#)).

A similar bill was introduced in the 56th Legislature, 2nd Regular Session, and was [vetoed](#) by the Governor (SB 1182 public schools; showers; reasonable accommodations).

Provisions

1. States the act may be referred to as the *Arizona Accommodations for All Children Act* (Act). (Sec. 2)
2. Requires a public school to provide a reasonable accommodation to any person who both:
 - a) for any reason, is unwilling or unable to use a multi-occupancy restroom or changing facility that is designated for the person's sex or multi-occupancy sleeping quarters while attending a public school-sponsored activity; and
 - b) requests in writing a reasonable accommodation from the school. (Sec. 1)
3. Establishes that a reasonable accommodation includes:
 - a) access to a single-occupancy restroom or changing facility; or
 - b) use of an employee restroom or changing facility. (Sec. 1)
4. Stipulates that a reasonable accommodation does not include access to a restroom or changing facility designated for use by persons of the opposite sex while persons of the opposite sex are or could be present. (Sec. 1)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

5. Authorizes public schools to adopt policies necessary to accommodate persons protected under the ADA or young children who need physical assistance when using restrooms or changing facilities. (Sec. 1)
6. Grants a private cause of action against a public school if a person's request for a reasonable accommodation is denied by the public school, unless the school can demonstrate that the accommodation would cause an undue hardship. (Sec. 1)
7. Ensures a person's private cause of action against a public school if:
 - a) the person encounters someone of the opposite sex in a multi-occupancy restroom or changing facility designated for the (first) person's sex; or
 - b) the person is required by the school to share sleeping quarters with a person of the opposite sex, unless such persons are family; and
 - c) the public school gave the person of the opposite sex permission to use the restroom, changing facility or sleeping quarters. (Sec. 1)
8. Requires claims against schools be brought in superior court in the county where either the public school is located or where the aggrieved person resides at the time of filing. (Sec. 1)
9. Mandates that a civil action brought against schools must be initiated within two years after the alleged violation occurred. (Sec. 1)
10. States that a person who prevails in court on a claim in accordance with the Act:
 - a) may recover monetary damages for all psychological, emotional and physical harm suffered; and
 - b) is entitled to recover reasonable attorney's fees and costs. (Sec. 1)
11. States that the Act does not limit other remedies at law or equity against the public school that are available to an aggrieved person under the Act. (Sec. 1)
12. Includes as evidence of a person's biological sex any government-issued identification document that accurately reflects the person's sex as listed on the person's original birth certificate. (Sec. 1)
13. Defines relevant terms. (Sec. 1)