State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2643/1
TKK:amn/wlj/kjf

2015 ASSEMBLY BILL 469

October 30, 2015 - Introduced by Representatives KREMER, THIESFELDT, CRAIG, GANNON, HORLACHER, JACQUE, SKOWRONSKI and TITTL, cosponsored by Senators NASS, MOULTON and STROEBEL. Referred to Committee on Education.

AN ACT ***to create*** 118.315 of the statutes; **relating to:** use of changing rooms by pupils.

Analysis by the Legislative Reference Bureau

This bill requires a school board to designate each pupil restroom and changing room (together, changing room) located in a public school building and accessible by multiple pupils as for the exclusive use of pupils of only one sex. The bill defines "sex" as the physical condition of being male or female, as determined by an individual's chromosomes and identified at birth by that individual's anatomy. The bill prohibits a member of the female sex from using a changing room that has been designated as the male changing room and prohibits a member of the male sex from using a changing room that has been designated as the female changing room.

The bill permits a school board to temporarily designate a pupil restroom or changing room for special events. The bill requires a school board to provide reasonable accommodations to a pupil to use a single-occupancy changing room when the following conditions are met: 1) the pupil identifies as a member of the male sex but is a member of the female sex, or the pupil identifies as a member of the female sex but is a member of the male sex; and 2) the pupil or the parent or guardian of the pupil submits a written request to the school board to receive the accommodation.

The bill permits a pupil or the pupil's parent or guardian to file a written complaint regarding a violation of the requirements in the bill, and requires the school board to investigate and attempt to resolve the complaint.

For further information see the ***local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 118.315 of the statutes is created to read:

118.315 Pupil physical privacy. (1) In this section:

(a) "Changing room" means a room or area, with or without stalls for individual use, designated for a person to change his or her clothes, and includes a locker room, shower room, and dressing room.

(b) "Sex" means the physical condition of being male or female, as determined by an individual's chromosomes and identified at birth by that individual's anatomy.

(2) (a) 1. A school board shall designate each pupil restroom and changing room located in a public school building in the school district and accessible by multiple pupils simultaneously as for the exclusive use of pupils of only one sex.

2. The school board may establish policies for special events, including athletic events, during which the school board may temporarily redesignate a pupil restroom and changing room. Upon the conclusion of the special event, the pupil restroom and changing room shall revert to the designation under subd. 1.

(b) 1. Except as provided in subd. 2., no member of the female sex may use a pupil restroom or changing room that has been designated by the school board for the exclusive use of the male sex, and no member of the male sex may use a pupil restroom or changing room that has been designated by the school board for the exclusive use of the female sex.

2. The prohibition under subd. 1. does not apply if the school board has set aside the designation under par. (a) 1. pursuant to a policy established under par. (a) 2.

(3) Subject to sub. (2) (b), a school board shall provide reasonable accommodations to a pupil to use a single–occupancy restroom or changing room or the regulated use of a faculty restroom or changing room when the following conditions are met:

(a) The pupil, or the parent or guardian of a minor pupil, submits to the school board a written request to receive accommodations under this subsection.

(b) One of the following applies:

1. The pupil identifies as a member of the male sex but is a member of the female sex.

2. The pupil identifies as a member of the female sex but is a member of the male sex.

(4) (a) If a school board receives a written complaint from a pupil enrolled in the school district, or the parent or guardian of a pupil enrolled in the district, regarding a violation of this section, the school board shall, within 30 days, investigate and attempt to resolve the complaint.

(b) Subject to s. 118.26 or, for a school district operating under ch. 119, s. 119.68, the pupil, or the parent or guardian of the pupil, who submitted a written complaint under par. (a) may bring a claim for any of the following if the complaint is not resolved to the satisfaction of the pupil or the pupil's parent or guardian:

1. Declaratory relief.

2. Injunctive relief.

3. Damages, including the reimbursement of reasonable attorney fees.

(END)