

Hall of the House of Representatives
94th General Assembly - Regular Session, 2023
Amendment Form

Subtitle of House Bill No. 1156

CONCERNING A PUBLIC SCHOOL DISTRICT OR OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL
POLICY RELATING TO A PUBLIC SCHOOL STUDENT'S SEX.

Amendment No. 1 to House Bill 1156

Amend House Bill No. 1156 as originally introduced:

Page 1, delete lines 34 through 35, and substitute with the following: "not required to share sleeping quarters with a member of the opposite sex, unless the member of the opposite sex is a member of the public school student's family."

AND

Page 2, delete lines 16 through 18, and substitute with the following:

"(2)(A) "Sex" means the physical condition of being male or female based on genetics and physiology.

(B) A public school district or open-enrollment public charter school may rely upon a public school student's sex as identified on his or her original birth certificate issued at or near the time of his or her birth."

AND

Page 2, delete lines 25 through 36, and substitute with the following:

"(B) For the exclusive use by the female sex; and

(2)(A) Provide a reasonable accommodation to an individual who is unwilling or unable to use a multiple occupancy restroom or changing area designated for the individual's sex.

(B)(i) A reasonable accommodation under this subdivision (b)(2)(A) may include without limitation access to a single-occupancy restroom or changing area.

(ii) A reasonable accommodation shall not include access to a restroom or changing area that is designated for use by members of the opposite sex to an individual while members of the opposite sex of the individual are present or may be present in the restroom or changing area."

AND



Page 3, delete lines 7 through 17, and substitute with the following:
"limitation a physical altercation.

(d)(1) Nothing in this section shall be construed to prohibit a public school district or open-enrollment public charter school from adopting a policy that is necessary to accommodate individuals protected under the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, as it existed on January 1, 2023, or young children who are in need of physical assistance when using a restroom or changing facility that is located in a public school district or open-enrollment public charter school.

(2) However, a public school district or open-enrollment public charter school that serves students in prekindergarten through grade twelve (preK-12) in this state shall not adopt a policy under subdivision (d)(1) of this section that is contrary to this section.

(e) Upon the State Board of Education finding noncompliance with this section, the following individuals, as applicable, shall receive a fifteen percent (15%) reduction in salary for the fiscal year following the year the public school district or open-enrollment public charter school was found to be noncompliant with this section:

(1) The superintendent of a public school district found to be noncompliant with this section;

(2) The principal of the specific public school found to be noncompliant with this section; and

(3) The director or administrative head of an open-enrollment public charter school found to be noncompliant with this section.

(f) A parent, legal guardian, or person standing in loco parentis of a public school student shall have a cause of action against a public school district or an open-enrollment public charter school if:

(1) His or her public school student:

(A) Encounters a member of the opposite sex in a public school district or open-enrollment public charter school multiple occupancy restroom or changing area that is designated for the public school student's sex if the member of the opposite sex received permission from the public school district or open-enrollment public charter school to use the multiple occupancy restroom or changing area; or

(B) Is required by a public school district or open-enrollment public charter school to share sleeping quarters with a member of the opposite sex who is not a family member of the public school student; or

(2) The public school district or open-enrollment public charter school is found to be noncompliant under subsection (e) of this section."

AND

Page 3, line 18, delete "(f) The" and substitute "(g) The"

The Amendment was read _____
By: Representative Bentley
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Chief Clerk