An Act

ENROLLED SENATE
BILL NO. 26

By: Pemberton and Bullard of the Senate

and

Hays of the House

An Act relating to schools; amending Section 1, Chapter 323, O.S.L. 2022 (70 O.S. Supp. 2022, Section 1-125), which relates to restroom or changing area use; adding definitions; providing exception for certain athletic activities; providing remedies for certain noncompliance; providing an effective date; and declaring an emergency.

SUBJECT: Restroom or changing area use

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 1, Chapter 323, O.S.L. 2022 (70 O.S. Supp. 2022, Section 1-125), is amended to read as follows:

Section 1-125. A. As used in this section:

1. "Sex" means the physical condition of being male or female based on genetics and physiology, as identified on the individual's original birth certificate; ~~and~~

2. "Multiple occupancy restroom or changing area" means an area in a public school or public charter school building designed or designated to be used by more than one individual at a time, where individuals may be in various stages of undress in the presence of other individuals. The term may include but is not limited to a school restroom, locker room, changing room, or shower room;

3. "Coach" means a person employed by a public school district or public charter school who is involved in the teaching or training of students participating in a school-sponsored athletic activity; and

4. "School-sponsored athletic activity" means a sporting event that is supported and affiliated with the school such as games, matches, and tournaments.

B. To ensure privacy and safety, each public school and public charter school that serves students in prekindergarten through twelfth grades in this state shall require every multiple occupancy restroom or changing area designated as follows:

1. For the exclusive use of the male sex; or

2. For the exclusive use of the female sex.

C. Each public school or public charter school in this state shall provide a reasonable accommodation to any individual who does not wish to comply with the provisions of subsection B of this section. A reasonable accommodation shall be access to a single-occupancy restroom or changing room.

D. The provisions of this section shall not apply to individuals entering a multiple occupancy restroom or changing area designated for use by the opposite sex when entering in any of the following ~~circumstance~~ circumstances:

1. For custodial, maintenance, or inspection purposes; ~~or~~

2. To render emergency medical assistance; or

3. If a suitable meeting room or area is not available, a coach may enter a locker room before, during, or after a school-sponsored athletic activity, provided:

a. all students present are fully clothed,

b. the coach shall be accompanied by at least one additional adult at all times, and

c. if the coach is the opposite sex of the students present, the coach shall be accompanied by at least one adult of the same sex as the students present.

The adult shall not be a current high school student.

E. 1. Each school district board of education and public charter school governing board shall adopt a policy to provide disciplinary action for individuals who refuse to comply with the provisions of this section.

2. No school district board of education or charter school governing board shall adopt a policy contrary to the provisions of this section.

F. Upon a finding of noncompliance with the provisions of subsections B, ~~and~~ C, and D of this section by the State Board of Education, the noncompliant school district or public charter school shall receive a five percent (5%) decrease in state funding for the school district or public charter school for the fiscal year following the year of noncompliance.

G. A parent or legal guardian of a student enrolled in and physically attending a public school district or public charter school shall have a cause of action against the public school district or public charter school for noncompliance with the provisions of subsections B, ~~and~~ C, and D of this section.

H. The State Board of Education shall promulgate rules to implement the provisions of this section.

SECTION 2. This act shall become effective July 1, 2023.

SECTION 3. It being immediately necessary for the preservation of the public peace, health, or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 18th day of May, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 27th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 19th

day of May, 20 23, at 10:16 o'clock a. M.

By: Summer Cerny

Approved by the Governor of the State of Oklahoma this 25th

day of May, 20 23, at 8:31 o'clock a. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 25th

day of May, 20 23, at 11:24 o'clock A M.

By: Brian Bingman