



ARIZONA HOUSE OF REPRESENTATIVES

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Second Regular Session

Senate: ED DP 4-3-0-0 | 3rd Read 16-13-1-0

House: ED DP 6-4-0-0

SB 1182: public schools; showers; reasonable accommodations

Sponsor: Senator Kavanagh, LD 3

Caucus & COW

Overview

Mandates a public school provide a reasonable accommodation to a person who is unwilling or unable to use a multioccupancy shower room designated for the person's sex. Provides private cause of action to an individual who is denied a reasonable accommodation or who encounters a person of the opposite sex in a public school multioccupancy shower room as specified.

History

A *public school* is any public institution that offers instruction to students in preschool programs for children with disabilities, kindergarten programs or any combination of the 1st-12th grades ([A.R.S. § 15-101](#)).

The Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in certain areas, such as employment, state/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](#)).

Provisions

1. Requires a public school, upon written request from a person, to provide a reasonable accommodation to any person who:
 - a) is, for any reason, unwilling or unable to use a multioccupancy shower room designated for the person's sex that is located in a public school building or provided in connection with a public school-sponsored activity; and
 - b) submits satisfactory evidence of the person's sex to the school. (Sec. 1)
2. Specifies a reasonable accommodation:
 - a) includes a single-occupancy or employee shower room; and
 - b) excludes a shower room designated for use by individuals of the opposite sex while individuals of the opposite sex are present. (Sec. 1)
3. Authorizes public schools to adopt policies that:
 - a) are necessary to accommodate individuals protected under the ADA or young children who need physical assistance when using public school shower rooms; and
 - b) authorize a person to enter a multioccupancy shower room that is designated for use by individuals of the opposite sex if the person enters the shower room to:
 - i. perform custodial or maintenance services while the shower room is unoccupied;
 - ii. provide emergency medical assistance; or
 - iii. maintain order or address a serious threat to student safety during an emergency situation. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input type="checkbox"/> Fiscal Note
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4. Stipulates that unless the public school can demonstrate an accommodation would cause an undue hardship, a person whose written request for a reasonable accommodation is denied by a public school, an administrator or employee has private cause of action against the public school. (Sec. 1)
5. Grants a person a private cause of action against a public school if:
 - a) the person encounters a person of the opposite sex in a multioccupancy shower room that is designated for the person's sex and that is located in a public school building or provided in connection with a public school-sponsored activity, unless the person of the opposite sex is:
 - i. the person's spouse, parent, guardian, child, sibling or grandparent;
 - ii. a young child accompanied by an adult who is not a person of the opposite sex; or
 - iii. present in the shower room consistent with the public school's policies; and
 - b) the public school, an administrator or employee gave the person of the opposite sex permission to use the shower room. (Sec. 1)
6. Requires any claims to be brought in superior court in the county where the aggrieved person resides or the public school is located at the time of filing. (Sec. 1)
7. Mandates all civil actions be initiated within two years after the alleged violation occurred. (Sec. 1)
8. Declares a person who prevails on a claim:
 - a) may recover monetary damages for all psychological, emotional and physical harm suffered; and
 - b) is entitled to recover reasonable attorney fees and costs. (Sec. 1)
9. States other remedies at law or equity available to the aggrieved person against the public school are not limited. (Sec. 1)
10. Defines *satisfactory evidence* and *sex*. (Sec. 1)
11. Contains a severability clause. (Sec. 2)
12. Cites this legislation as the *Arizona Accommodations for All Children Act*. (Sec. 3)