



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, Second Regular Session*

**AMENDED**  
FACT SHEET FOR S.B. 1182

public schools; showers; reasonable accommodations

Purpose

Requires a public school to provide access to a single-occupancy or employee shower room to a person who is unwilling or unable to use a multioccupancy shower room designated for the person's sex and submits satisfactory evidence to the school. Grants a private cause of action, against the public school, to a person who encounters a person of the opposite sex in a public school shower room. Designates this legislation as the *Arizona Accommodations for All Children Act (Act)*.

Background

A school district governing board, charter school governing body, the Arizona State Schools for the Deaf and the Blind and, for an accommodation school, the county school superintendent must ensure, if a school provides a shower room, that the shower room is clean and meets certain sanitation requirements ([A.A.C. R9-8-703](#)).

A *public school* is any public institution established to offer instruction to pupils in preschool programs for children with disabilities, kindergarten programs, elementary grades or secondary grades ([A.R.S. § 15-101](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

***Reasonable Accommodation***

1. Requires a public school to provide a reasonable accommodation to a person, if the person:
  - a) for any reason, is 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;
  - b) requests an accommodation from the school in writing; and
  - c) submits satisfactory evidence of the person's sex to the school.
2. Includes, in *reasonable accommodation*:
  - a) access to a single-occupancy shower room; or
  - b) use of an employee shower room.
3. Excludes, from *reasonable accommodation*, access to a shower room that is designated for use by persons of the opposite sex while persons of the opposite sex are present.

4. Defines *sex* as a person's immutable biological sex as determined by anatomy, physiology, genetics and hormones existing at the time of the person's birth.
5. Defines *satisfactory evidence* as:
  - a) a person's original birth certificate; or
  - b) a person's amended, corrected or otherwise modified birth certificate with a written statement by a physician attesting that the biological sex registered in the birth certificate is consistent with the person's chromosomal count.
6. Allows a public school to adopt policies to implement the Act, including provisions necessary to accommodate:
  - a) persons protected under the federal Americans with Disabilities Act of 1990; or
  - b) young children who are in need of physical assistance when using public school shower rooms.
7. Allows a public school to adopt policies to implement the Act, including provisions authorizing a person to enter a multioccupancy shower room that is designated for use by persons of the opposite sex, if the person enters the multioccupancy shower room to:
  - a) perform custodial or maintenance services while the multioccupancy shower room is occupied;
  - b) provide emergency medical assistance; or
  - c) maintain order or address a serious threat to student safety during an emergency situation, including a natural disaster.

#### ***Legal Remedies***

8. Grants a private cause of action against a public school to a person whose reasonable accommodation request is denied by the public school, school administrator or school employee, unless the public school can demonstrate that the accommodation would cause an undue hardship.
9. Grants a private cause of action against a public school, if the public school, school administrator or school employee gave a person of the opposite sex permission to use the shower room, to a person who encounters a person of the opposite sex in a multioccupancy shower room designated for the person's sex and located in a public school building or provided in connection with a public school-sponsored event, unless the person of the opposite sex is present in the multioccupancy shower room consistent with the policies adopted by the public school.
10. Requires claims arising pursuant to the Act to be brought in superior court in the county where the person resides or the public school is located at the time of filing.
11. Requires civil actions brought pursuant to the Act to be initiated within two years after the alleged violation occurred.
12. Allows persons who are aggrieved under the Act and prevail in court to recover monetary damages for all psychological, emotional and physical harm suffered.
13. Entitles, to recovery of reasonable attorney fees and costs, persons who prevail on a claim brought pursuant to the Act.

- 14. Specifies that the Act does not limit other remedies at law or equity that are available to the aggrieved person against the public school.

*Miscellaneous*

- 15. Contains a severability clause.
- 16. Designates this legislation as the *Arizona Accommodations for All Children Act*.
- 17. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

- 1. Allows a public school to adopt policies, including provisions that authorize a person to enter a multioccupancy shower room that is designated for persons of the opposite sex if the person enters the multioccupancy restroom for specified reasons.
- 2. Determines that a person who encounters a person of the opposite sex in a multioccupancy shower room does not have a private cause of action against the public school, if the person of the opposite sex is:
  - a) the person's family member as outlined;
  - b) a young child who is accompanied by a person who is not a person of the opposite sex; or
  - c) present in the multioccupancy shower room consistent with the policies adopted by the public school.
- 3. Includes, as a private cause of action against a public school, a school administrator's or employee's denial of a reasonable accommodation or provision of permission to use a multioccupancy shower room designated for the opposite sex.
- 4. Specifies that *reasonable accommodation* does not include access to a shower room that is designated for use by persons of the opposite sex while persons of the opposite sex are present, rather than are present or could be present.
- 5. Removes the definition of *family*.
- 6. Makes conforming changes.

Amendments Adopted by the House of Representatives

- Removes, from a private cause of action against a public school for a person who encounters a person of the opposite sex in a school shower room, the exemptions for a person's family member or for a young child who is accompanied by a person who is not a person of the opposite sex.

Senate Action

House Action

ED	2/7/24	DP	4-3-0	ED	3/12/24	DP	6-4-0-0
3 <sup>rd</sup> Read	2/26/24		16-13-1	3 <sup>rd</sup> Read	4/3/24		31-28-0-0-1