

HOUSE BILL No. 2171

By Committee on Federal and State Affairs

1-26

1 AN ACT concerning school districts; creating the student privacy and
2 protection act.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) As used in this section:

6 (1) "Public school" means a school operated by a unified school
7 district organized under the laws of this state.

8 (2) "Sex" means the physical condition of being male or female,
9 which is determined by a person's chromosomes, and is identified at birth
10 by a person's anatomy.

11 (b) Every public school student restroom, locker room and shower
12 room accessible by multiple students at the same time shall be designated
13 for use by male students only or female students only. All student
14 restrooms, locker rooms and showers that are designated for one sex shall
15 be used only by members of that sex. Any other public school facility,
16 facility used for overnight accommodations or other setting not specified
17 in this subsection where a student may be in a state of undress in the
18 presence of other students or school personnel shall provide separate,
19 private areas designated for use by students based on their sex.

20 (c) Students who, for any reason, desire greater privacy when using a
21 public school restroom, locker room or shower room, or other facility
22 described in subsection (b), and whose parent or legal guardian provides
23 written consent to school officials, may submit a request to such officials
24 for access to alternative facilities. The school official to whom a request is
25 submitted shall evaluate such request and shall, to the extent reasonable,
26 offer options for alternative facilities. In no event shall any
27 accommodation be an access to student restrooms, locker rooms or shower
28 rooms designated for use by students of the opposite sex while students of
29 the opposite sex are present or could be present. Reasonable
30 accommodations may include, but are not limited to: Access to single-stall
31 bathrooms; access to unisex bathrooms; or controlled use of faculty
32 bathrooms, locker rooms or shower rooms.

33 (d) (1) A citizen of this state may file a complaint with the office of
34 the attorney general that a public school is in violation of the provisions of
35 this section if: (A) The citizen provides written notice to the public school
36 describing the violation; and (B) the public school does not cure the

1 violation within three business days after receiving written notice of the
2 violation.

3 (2) A complaint filed pursuant to this section shall include: (A) A
4 copy of the written notice delivered to the public school; and (B) a signed
5 statement by the citizen describing the violation and stating that notice was
6 provided pursuant to subsection (d)(1).

7 (3) Upon receipt of a complaint, the attorney general shall investigate
8 the violation described in the complaint. If the attorney general determines
9 that no violation occurred or that no further legal action is warranted, then
10 the attorney general shall send written notice of such determination to the
11 citizen who filed the complaint and to the public school. If the attorney
12 general determines that legal action is warranted to cure the violation, then
13 the attorney general may file an action in a court of competent jurisdiction
14 seeking such equitable relief as the attorney general deems
15 appropriate.

16 Sec. 2. This act shall take effect and be in force from and after its
17 publication in the statute book.