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MEMORANDUM

To: Senate Committee on Education
From: Kansas Office of Revisor of Statutes
Date: March 22, 2023
Subject: SB 255—Requiring school districts to adopt policies that require separate accommodations on overnight trips

Senate Bill 255 would require school districts to adopt policies that require separate accommodations be provided for students of each biological sex during school district sponsored travel that requires overnight stays by students.

The bill would allow any student who reported a violation of the bill and was subject to retaliation or other adverse action by a school district or school district employee to file a private cause of action. Any such action would have to be brought within two years and any student who prevails on such cause of action would be entitled to monetary damages, reasonable attorney fees and costs and any other appropriate relief.

SB 255 also provides definitions for relevant terms used in the bill. “Biological sex” would be defined as the biological indication of male and female in the context of reproductive potential or capacity, such as sex chromosomes naturally occurring sex hormones, gonads and nonambiguous internal and external genitalia present at birth, without regard to an individual’s psychological, chosen or subjective experience of gender. “School district sponsored travel” would be defined as any travel that is necessary for students to attend, participate or compete in any event or activity that is sponsored or sanctioned by a school operated by the school district, including, but not limited to, any travel that is organized by any club or other organization recognized by the school; through any communication facilitated by the school, such as email; or through fundraising activities conducted, in whole or in part, by school district employees or on school district property.

The bill would take effect on July 1 upon publication in the statute book.