

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **Substitute for HB 2410**, on page 121, following line 12, by inserting:

"New Sec. 104. (a) As used in this section:

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

(2) "Sex" means an individual's immutable biological sex as objectively determined by anatomy and genetics existing at the time of birth. An individual's original birth certificate may be relied upon as definitive evidence of the individual's sex.

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

(c) Students who, for any reason, desire greater privacy when using a public school restroom, locker room or shower room, or other facility described in subsection (b), and whose parent or legal guardian provides written consent to school officials, may submit a request to such officials for access to alternative facilities. The school official to whom a request is submitted shall evaluate such request and shall, to the extent reasonable, offer options for alternative facilities. In no event shall any accommodation be made that includes access to student restrooms, locker rooms or shower rooms

designated for use by students of the opposite sex while students of the opposite sex are present or could be present. Reasonable accommodations may include, but are not limited to: Access to a single-stall restroom; access to a unisex restroom by only one student at a time; or controlled use of faculty restrooms, locker rooms or shower rooms.

(d) Nothing in this section shall be construed to prohibit any public school from: (1) Adopting policies necessary to accommodate disabled persons or young children in need of physical assistance when using restrooms or changing facilities; (2) permitting access to a restroom or changing facility for custodial or maintenance purposes when such facility is not occupied by a member of the opposite sex; (3) rendering medical assistance; or (4) permitting access to a restroom or changing facility during a natural disaster, emergency or when necessary to prevent a serious threat to good order or student safety.

(e) (1) A citizen of this state may file a complaint with the office of the attorney general that a public school is in violation of the provisions of this section if: (A) The citizen provides written notice to the public school describing the violation; and (B) the public school does not cure the violation within three business days after receiving written notice of the violation.

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

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

(4) Nothing in this subsection shall limit other remedies at law or equity available to the aggrieved person against the public school.

(f) The provisions of this section are hereby declared to be severable. If any provision of this section or any application thereof to any person or circumstance is held to be invalid or unconstitutional, such invalidity shall not affect the validity of any of the remaining provisions.";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the second semicolon by inserting "creating the student privacy and protection act;"

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\_\_\_\_\_ District.