

**SENATE BILL No. 206**

By Committee on Federal and State Affairs

2-21

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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 an individual's immutable biological sex as  
9 objectively determined by anatomy and genetics existing at the time of  
10 birth. An individual's original birth certificate may be relied upon as  
11 definitive evidence of the individual's sex.

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

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

35 (d) Nothing in this section shall be construed to prohibit any public  
36 school from: (1) Adopting policies necessary to accommodate disabled

1 persons or young children in need of physical assistance when using  
2 restrooms or changing facilities; (2) permitting access to a restroom or  
3 changing facility for custodial or maintenance purposes when such facility  
4 is not occupied by a member of the opposite sex; (3) rendering medical  
5 assistance; or (4) permitting access to a restroom or changing facility  
6 during a natural disaster, emergency or when necessary to prevent a  
7 serious threat to good order or student safety.

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

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

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

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

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

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