



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2643/1
TKK:amn/wlj/kjf

2015 BILL

1 **AN ACT** *to create* 118.315 of the statutes; **relating to:** use of changing rooms by
2 pupils.

Analysis by the Legislative Reference Bureau

This bill requires a school board to designate each pupil restroom and changing room (together, changing room) located in a public school building and accessible by multiple pupils as for the exclusive use of pupils of only one sex. The bill defines “sex” as the physical condition of being male or female, as determined by an individual’s chromosomes and identified at birth by that individual’s anatomy. The bill prohibits a member of the female sex from using a changing room that has been designated as the male changing room and prohibits a member of the male sex from using a changing room that has been designated as the female changing room.

The bill permits a school board to temporarily designate a pupil restroom or changing room for special events. The bill requires a school board to provide reasonable accommodations to a pupil to use a single-occupancy changing room when the following conditions are met: 1) the pupil identifies as a member of the male sex but is a member of the female sex, or the pupil identifies as a member of the female sex but is a member of the male sex; and 2) the pupil or the parent or guardian of the pupil submits a written request to the school board to receive the accommodation.

The bill permits a pupil or the pupil’s parent or guardian to file a written complaint regarding a violation of the requirements in the bill, and requires the school board to investigate and attempt to resolve the complaint.

BILL

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 118.315 of the statutes is created to read:

2 **118.315 Pupil physical privacy. (1)** In this section:

3 (a) “Changing room” means a room or area, with or without stalls for individual
4 use, designated for a person to change his or her clothes, and includes a locker room,
5 shower room, and dressing room.

6 (b) “Sex” means the physical condition of being male or female, as determined
7 by an individual’s chromosomes and identified at birth by that individual’s anatomy.

8 **(2)** (a) 1. A school board shall designate each pupil restroom and changing room
9 located in a public school building in the school district and accessible by multiple
10 pupils simultaneously as for the exclusive use of pupils of only one sex.

11 2. The school board may establish policies for special events, including athletic
12 events, during which the school board may temporarily redesignate a pupil restroom
13 and changing room. Upon the conclusion of the special event, the pupil restroom and
14 changing room shall revert to the designation under subd. 1.

15 (b) 1. Except as provided in subd. 2., no member of the female sex may use a
16 pupil restroom or changing room that has been designated by the school board for the
17 exclusive use of the male sex, and no member of the male sex may use a pupil
18 restroom or changing room that has been designated by the school board for the
19 exclusive use of the female sex.

20 2. The prohibition under subd. 1. does not apply if the school board has set aside
21 the designation under par. (a) 1. pursuant to a policy established under par. (a) 2.

