



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0664

by Rep. Thomas Morrison

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.60 new
105 ILCS 5/34-18.53 new

Amends the School Code. Requires a school board to designate each pupil restroom, changing room, or overnight facility accessible by multiple pupils simultaneously, whether located in a public school building or located in a facility utilized by the school for a school-sponsored activity, for the exclusive use of pupils of only one sex. 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. Provides that no member of the female sex may use a pupil restroom or changing room that has been designated by the school board for the exclusive use of the male sex and no member of the male sex may use a pupil restroom or changing room that has been designated by the school board for the exclusive use of the female sex, with exceptions. Authorizes a school board to provide reasonable accommodations to a pupil to use a single-occupancy restroom or changing room or the regulated use of a faculty restroom or changing room if the pupil, if the pupil is an adult or an emancipated minor, or the parent or guardian of a minor pupil submits to school officials, in writing, a request to receive such accommodations and the pupil is a member of the male sex but does not identify as a member of the male sex or the pupil is a member of the female sex but does not identify as a member of the female sex. Sets forth a complaint procedure.

LRB100 06262 NHT 16299 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education, which may be referred to as
2 the Child Privacy Act.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 5. The School Code is amended by adding Sections
6 10-20.60 and 34-18.53 as follows:

7 (105 ILCS 5/10-20.60 new)

8 Sec. 10-20.60. Pupil physical privacy.

9 (a) In this Section:

10 "Changing room" means a room or area, with or without
11 stalls for individual use, designated for a person to change
12 his or her clothes and includes a locker room, shower room, or
13 dressing room.

14 "Sex" means the physical condition of being male or female,
15 as determined by an individual's chromosomes and identified at
16 birth by that individual's anatomy.

17 (b) A school board shall designate each pupil restroom,
18 changing room, or overnight facility accessible by multiple
19 pupils simultaneously, whether located in a public school
20 building or located in a facility utilized by the school for a
21 school-sponsored activity, for the exclusive use of pupils of
22 only one sex.

23 (c) A school board may establish policies for special

1 events, including athletic events, during which the school
2 board may temporarily redesignate a pupil restroom or changing
3 room. Upon the conclusion of the special event, the pupil
4 restroom or changing room shall revert to the designation under
5 subsection (b) of this Section.

6 (d) Except as provided in subsection (c) of this Section,
7 no member of the female sex may use a pupil restroom or
8 changing room that has been designated by the school board for
9 the exclusive use of the male sex, and no member of the male
10 sex may use a pupil restroom or changing room that has been
11 designated by the school board for the exclusive use of the
12 female sex. The prohibition under this subsection (d) does not
13 apply to a child under the age of 7 who is being assisted by a
14 parent, guardian, or family member or to a person providing
15 assistance to a person with a disability.

16 (e) A school board may provide reasonable accommodations to
17 a pupil to use a single-occupancy restroom or changing room or
18 the regulated use of a faculty restroom or changing room if the
19 following conditions are met:

20 (1) The pupil, if the pupil is an adult or an
21 emancipated minor, or the parent or guardian of a minor
22 pupil submits to school officials, in writing, a request to
23 receive accommodations under this subsection (e). This
24 request is considered a school student record that is
25 exempt from inspection and copying under subsection (r) of
26 Section 7.5 of the Freedom of Information Act.

1 (2) One of the following applies:

2 (A) The pupil is a member of the male sex but does
3 not identify as a member of the male sex.

4 (B) The pupil is a member of the female sex but
5 does not identify as a member of the female sex.

6 (f) If a school board receives a written complaint from a
7 pupil enrolled in the school district or from the parent or
8 guardian of a pupil enrolled in the district regarding a
9 violation of this Section, the school board shall, within 30
10 days, investigate and attempt to resolve the complaint.

11 (g) The pupil or the parent or guardian of the pupil who
12 submitted a written complaint under subsection (f) of this
13 Section may bring a claim in the circuit court of the county in
14 which the school is located for any of the following if the
15 complaint is not resolved to the satisfaction of the pupil or
16 the pupil's parent or guardian:

17 (1) Declaratory relief.

18 (2) Injunctive relief.

19 (3) Damages, including the reimbursement of reasonable
20 attorney's fees.

21 (105 ILCS 5/34-18.53 new)

22 Sec. 34-18.53. Pupil physical privacy.

23 (a) In this Section:

24 "Changing room" means a room or area, with or without
25 stalls for individual use, designated for a person to change

1 his or her clothes and includes a locker room, shower room, or
2 dressing room.

3 "Sex" means the physical condition of being male or female,
4 as determined by an individual's chromosomes and identified at
5 birth by that individual's anatomy.

6 (b) The board shall designate each pupil restroom, changing
7 room, or overnight facility accessible by multiple pupils
8 simultaneously, whether located in a public school building or
9 located in a facility utilized by the school for a
10 school-sponsored activity, for the exclusive use of pupils of
11 only one sex.

12 (c) The board may establish policies for special events,
13 including athletic events, during which the board may
14 temporarily redesignate a pupil restroom or changing room. Upon
15 the conclusion of the special event, the pupil restroom or
16 changing room shall revert to the designation under subsection
17 (b) of this Section.

18 (d) Except as provided in subsection (c) of this Section,
19 no member of the female sex may use a pupil restroom or
20 changing room that has been designated by the board for the
21 exclusive use of the male sex, and no member of the male sex
22 may use a pupil restroom or changing room that has been
23 designated by the board for the exclusive use of the female
24 sex. The prohibition under this subsection (d) does not apply
25 to a child under the age of 7 who is being assisted by a parent,
26 guardian, or family member or to a person providing assistance

1 to a person with a disability.

2 (e) The board may provide reasonable accommodations to a
3 pupil to use a single-occupancy restroom or changing room or
4 the regulated use of a faculty restroom or changing room if the
5 following conditions are met:

6 (1) The pupil, if the pupil is an adult or an
7 emancipated minor, or the parent or guardian of a minor
8 pupil submits to school officials, in writing, a request to
9 receive accommodations under this subsection (e). This
10 request is considered a school student record that is
11 exempt from inspection and copying under subsection (r) of
12 Section 7.5 of the Freedom of Information Act.

13 (2) One of the following applies:

14 (A) The pupil is a member of the male sex but does
15 not identify as a member of the male sex.

16 (B) The pupil is a member of the female sex but
17 does not identify as a member of the female sex.

18 (f) If the board receives a written complaint from a pupil
19 enrolled in the school district or from the parent or guardian
20 of a pupil enrolled in the district regarding a violation of
21 this Section, the board shall, within 30 days, investigate and
22 attempt to resolve the complaint.

23 (g) The pupil or the parent or guardian of the pupil who
24 submitted a written complaint under subsection (f) of this
25 Section may bring a claim in the circuit court of the county in
26 which the school is located for any of the following if the

1 complaint is not resolved to the satisfaction of the pupil or

2 the pupil's parent or guardian:

3 (1) Declaratory relief.

4 (2) Injunctive relief.

5 (3) Damages, including the reimbursement of reasonable

6 attorney's fees.