



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR S.C.R. 1013

schools; biological sex; requirements

Purpose

Subject to voter approval, statutorily prohibits a school district or charter school employee from, without parental permission, referring to a student under 18 years old by a pronoun that differs from the pronoun that aligns with the person's biological sex or a first name that is not listed in school records. Requires a public school to provide access to a single-occupancy or employee restroom or changing facility to a person who is unwilling or unable to use a multi-occupancy restroom or changing facility designated for the person's sex or multi-occupancy sleeping quarters. Grants a private cause of action, against the public school, to a person who encounters a person of the opposite sex in specified areas.

Background

Arizona's Parents' Bill of Rights reserves parental rights to a parent of a minor child without interference from the state, a political subdivision or other governmental entity (governmental entity) or any other institution. A parent may bring suit against a government entity for any action that interferes with or usurps the fundamental rights of parents. Statute declares that parents have inalienable rights that are more comprehensive than those listed in the Parents' Bill of Rights, unless legally waived or terminated (A.R.S. §§ [1-601](#) and [1-602](#)).

Each school district governing board (governing board) must adopt a policy to promote parental involvement that includes plans and procedures for purposes relating to parent-teacher cooperation, parental notification and communication and objection to materials and activities. A parent may request information relating to parental involvement procedures, rights and responsibilities during regular business hours as outlined ([A.R.S. § 15-102](#)).

A governing board, charter school governing body, the Arizona State Schools for the Deaf and the Blind and, for an accommodation school, the county school superintendent must ensure that a school provides restrooms or bathrooms that are clean and have specified equipment and supplies. A school-provided shower room must also be clean and must meet certain requirements ([A.A.C. R9-8-703](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Pronouns

1. Prohibits a school district or charter school employee or independent contractor, unless the school district or charter school receives written permission from the student's parent, from knowingly addressing, identifying or referring to a student who is under 18 years old by:
 - a) a pronoun that differs from the pronoun that aligns with the student's biological sex; or
 - b) a first name other than the first or middle name listed on the student's official school records, except a nickname that is commonly associated with the student's name of record.

2. Prohibits a school district or charter school from requiring an employee or independent contractor to address, identify or refer to a person by a pronoun that differs from the pronoun that aligns with the person's biological sex, if doing so is contrary to the employee's or independent contractor's religious or moral convictions.
3. Directs each governing board and charter school governing body to adopt policies to implement the prohibitions.
4. Specifies that the prohibitions do not prohibit an employee or independent contractor from discussing matters of public concern outside the context of the person's official duties.
5. Defines *biological sex* as a person's immutable biological sex as determined by anatomy, physiology, genetics and hormones existing at the time of the person's birth.

Reasonable Accommodation

6. Requires a public school to provide a reasonable accommodation to a person, if the person:
 - a) for any reason, is unwilling or unable to use a multioccupancy restroom or changing facility designated for the person's sex that is located in a public school building or in multioccupancy sleeping quarters while attending a school sponsored activity;
 - b) requests an accommodation from the school in writing; and
 - c) submits satisfactory evidence of the person's sex to the school.
7. Includes, in *reasonable accommodation*:
 - a) access to a single-occupancy restroom or changing facility; or
 - b) use of an employee restroom or changing facility.
8. Excludes, from *reasonable accommodation*, access to a restroom or changing facility designated for use by persons of the opposite sex while persons of the opposite sex are, or could be, present.
9. Defines *sex* as a person's immutable biological sex as determined by anatomy, physiology, genetics and hormones existing at the time of the person's birth.
10. Specifies that the legislation does not prohibit public school from adopting policies necessary to accommodate:
 - a) persons protected under the federal Americans with Disabilities Act of 1990; or
 - b) young children who need physical assistance when using restrooms or changing facilities located in public schools.
11. Specifies that the legislation does not prohibit public schools from authorizing a person to enter a multioccupancy restroom, changing facility or sleeping quarters that are designated for use by persons of the opposite sex if the person enters to:
 - a) perform custodial or maintenance services while the multioccupancy restroom, changing facility or sleeping quarters are unoccupied;
 - b) provide emergency medical assistance; or
 - c) maintain order or address a serious threat to student safety during an emergency situation, including a natural disaster.

Legal Remedies

12. Grants a private cause of action, against the public school, to a person whose written reasonable accommodation request is denied by the public school, unless the public school can demonstrate that the accommodation would cause an undue hardship.
13. Grants a private cause of action against the public school, if the public school gave a person of the opposite sex permission to use the restroom, changing facility or sleeping quarters, to a person who:
 - a) encounters a person of the opposite sex in a multi-occupancy restroom or changing facility designated for the person's sex and located in a public school building; or
 - b) the public school requires to share sleeping quarters with a person of the opposite sex, unless the persons are of the same family.
14. Requires claims arising pursuant to the legislation to be brought in superior court in the county where the person resides or the public school is located at the time of filing.
15. Requires civil actions brought pursuant to the legislation to be initiated within two years after the alleged violation occurred.
16. Allows persons who are aggrieved under the legislation and prevail in court to recover monetary damages for all psychological, emotional and physical harm suffered.
17. Entitles, to recovery of reasonable attorney fees and costs, persons who prevail on a claim brought pursuant to the legislation.
18. Specifies that the legislation does not limit other remedies at law or equity that are available to the aggrieved person against the public school.

Miscellaneous

19. Defines *family* as a person's spouse, parent or guardian, child, sibling or grandparent.
20. Defines *restroom* as a facility that includes one or more toilets or urinals.
21. Defines *changing facility* as a facility in which a person may be in a state of undress in the presence of others, including a locker room, changing room or shower room.
22. Contains a severability clause.
23. Requires the Secretary of State to submit the proposition to the voters at the next general election.
24. Becomes effective if approved by the voters and on proclamation of the Governor.