

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 3049

By: Kern

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6 AS INTRODUCED

7 An Act relating to schools; requiring school
8 districts to adopt a student physical privacy policy;
9 providing definition; specifying content of policy
10 regarding student use of restrooms, locker rooms,
11 showers and other school facilities; providing for
12 codification; providing an effective date; and
13 declaring an emergency.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 24-157 of Title 70, unless there
17 is created a duplication in numbering, reads as follows:

18 A. In recognition of student physical privacy rights and the
19 need to ensure student safety and maintain school discipline, each
20 school district board of education shall adopt a policy to advise
21 school site staff and administration regarding their duties in
22 relation to student use of restrooms, locker rooms, showers and
23 other school facilities where students may be in a state of undress
24 in the presence of other students.

1 B. As used in this section the term "biological sex" means the
2 biological condition of being male or female as determined at birth
3 based on physical differences or, when necessary, at the chromosomal
4 level.

5 C. Each school district policy shall:

6 1. Require that student restrooms, locker rooms and showers
7 which are designated for one biological sex shall only be used by
8 members of that biological sex;

9 2. Contain a requirement that in any school facilities or
10 settings where a student may be in a state of undress in the
11 presence of other students, including but not limited to changing
12 costumes during school theatrical productions, school personnel
13 shall provide separate, private areas designated for use by students
14 based on their biological sex; and

15 3. Require that students that exclusively and consistently
16 assert at school that their gender is different from their
17 biological sex be provided with an available accommodation that
18 meets their need. The accommodation shall not include access to the
19 school restroom, locker room or shower of the opposite biological
20 sex. The accommodations may include, but are not limited to, access
21 to a unisex restroom or controlled use of an employee restroom,
22 locker room or shower.

23 SECTION 2. This act shall become effective July 1, 2016.

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1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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