

Legal Brief

'Bathroom Bill' becomes law — effective immediately

As we shared with members last week, [SF 482](#), which Governor Reynolds signed into law yesterday, March 22, **requires** K-12 schools to designate multi-occupant restrooms and changing rooms as being for one sex. “Sex” is defined in the law as “a person’s biological sex as female or male, as listed on a person’s official birth certificate issued at or near the time of the person’s birth.” Iowa law now prohibits a person from using a restroom or changing area that does not correspond to the person’s sex, as set forth in the definition.

The law does allow a school to designate alternative single-occupancy facilities upon the written request of a student’s parent. As with other educational decisions, students who have reached majority age (18) may request use of a private facility without parental approval unless a court has determined that the student lacks the mental capacity to make such decisions and has been appointed a guardian.

While parents/guardians or students of majority age may request the use of private facilities, those facilities may only be used by one student at a time. As such, if school officials have determined that the student needs to utilize a multi-occupancy facility for changing or restroom use, then school officials must control access to the room so only one student is present inside.

In addition to restrooms and locker rooms, the new law also affects overnight accommodations (e.g., hotel or dorm rooms during school trips) or any rooms in which students might undress (e.g., classrooms used for changing during athletic or co-curricular events). The law also requires not only students but all “persons” (meaning any visitor, employee, contractor, volunteer, or other guest) to use the restroom or other facilities that match their biological sex at birth.

The law requires:

- Multiple-occupancy restrooms or changing areas may be used only by individuals of the same biological sex.
- Any single-occupancy restroom or changing area that is specifically designated for a specific sex may only be used by persons of the same biological sex.

- Any facility used for extracurricular activities or any other setting where a student may be in various stages of undress must have separate, private areas designated for use by biological sex.
- A district shall, to the extent possible, provide accommodations to any student, for any reason, who requests greater privacy when using a single or multiple occupancy restroom or changing area or other facility if the parent/guardian submits written consent to the school and if the request is reasonable. Students of majority age, 18, would not require such consent.

The bill should not be construed to prohibit a school from adapting to emergency or immediate health situations, such as students requiring a medical assistant or employees providing assistance to accommodate a student's disability.

Other points for districts to consider:

SAI officials agree that the prudent action is to follow the letter of the law to avoid liability or potential action against an educator's license.

District officials will need to make their **staff** aware of the content of the law.

Administrators should strongly consider **informing students currently using facilities that do not match their biological sex** of this new law as well as their parent/guardian and discuss potential alternatives.

Depending on the specifics of any local district or building, administrators **may** want to **inform all students and the parents/guardians** about the change in the law.

Districts **may** need to consider changing their **signage** if they have multi-sex signage on or near their bathroom/locker room entries.

In summary, this new law requires you to review your current situation and determine any steps that you need to take regarding bathroom/locker room usage policies and practices. You should also choose the communication strategy that best fits your district.

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