

REFERENCE TITLE: public schools; restrooms; reasonable accommodations

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1003

Introduced by
Senator Kavanagh

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-120.05; RELATING TO PUBLIC SCHOOLS

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 15-120.05, to read:

4 15-120.05. Public schools; reasonable accommodations;
5 restrooms; changing facilities; sleeping
6 quarters; cause of action; definitions

7 A. A PUBLIC SCHOOL SHALL PROVIDE A REASONABLE ACCOMMODATION TO ANY
8 PERSON WHO BOTH:

9 1. FOR ANY REASON IS UNWILLING OR UNABLE TO USE EITHER A
10 MULTI-OCCUPANCY RESTROOM OR CHANGING FACILITY THAT IS DESIGNATED FOR THE
11 PERSON'S SEX AND THAT IS LOCATED IN A PUBLIC SCHOOL BUILDING OR
12 MULTI-OCCUPANCY SLEEPING QUARTERS WHILE ATTENDING A PUBLIC SCHOOL-
13 SPONSORED ACTIVITY.

14 2. REQUESTS IN WRITING A REASONABLE ACCOMMODATION FROM THE PUBLIC
15 SCHOOL.

16 B. A REASONABLE ACCOMMODATION UNDER THIS SECTION MAY INCLUDE EITHER
17 OF THE FOLLOWING:

18 1. ACCESS TO A SINGLE-OCCUPANCY RESTROOM OR CHANGING FACILITY.

19 2. USE OF AN EMPLOYEE RESTROOM OR CHANGING FACILITY.

20 C. A REASONABLE ACCOMMODATION UNDER THIS SECTION DOES NOT INCLUDE
21 ACCESS TO A RESTROOM OR CHANGING FACILITY THAT IS DESIGNATED FOR USE BY
22 PERSONS OF THE OPPOSITE SEX WHILE PERSONS OF THE OPPOSITE SEX ARE PRESENT
23 OR COULD BE PRESENT.

24 D. THIS SECTION DOES NOT PROHIBIT PUBLIC SCHOOLS FROM ADOPTING
25 POLICIES NECESSARY TO ACCOMMODATE PERSONS PROTECTED UNDER THE AMERICANS
26 WITH DISABILITIES ACT OF 1990 (P.L. 101-336; 104 STAT. 327) OR YOUNG
27 CHILDREN IN NEED OF PHYSICAL ASSISTANCE WHEN USING RESTROOMS OR CHANGING
28 FACILITIES LOCATED IN PUBLIC SCHOOLS.

29 E. ANY PERSON WHOSE WRITTEN REQUEST FOR A REASONABLE ACCOMMODATION
30 UNDER THIS SECTION IS DENIED BY THE PUBLIC SCHOOL HAS A PRIVATE CAUSE OF
31 ACTION AGAINST THE PUBLIC SCHOOL UNLESS THE PUBLIC SCHOOL CAN DEMONSTRATE
32 THAT THE ACCOMMODATION WOULD CAUSE AN UNDUE HARDSHIP.

33 F. ANY PERSON WHO ENCOUNTERS A PERSON OF THE OPPOSITE SEX IN A
34 MULTI-OCCUPANCY RESTROOM OR CHANGING FACILITY DESIGNATED FOR THE PERSON'S
35 SEX AND LOCATED IN A PUBLIC SCHOOL BUILDING OR WHO IS REQUIRED BY THE
36 PUBLIC SCHOOL TO SHARE SLEEPING QUARTERS WITH A PERSON OF THE OPPOSITE
37 SEX, UNLESS SUCH PERSONS ARE OF THE SAME FAMILY, HAS A PRIVATE CAUSE OF
38 ACTION AGAINST THE PUBLIC SCHOOL IF THE PUBLIC SCHOOL GAVE THE PERSON OF
39 THE OPPOSITE SEX PERMISSION TO USE THE RESTROOM, CHANGING FACILITY OR
40 SLEEPING QUARTERS. FOR THE PURPOSES OF THIS SUBSECTION, "FAMILY" MEANS A
41 PERSON'S SPOUSE, PARENT OR GUARDIAN, CHILD, SIBLING OR GRANDPARENT.

42 G. ANY CLAIMS ARISING PURSUANT TO THIS SECTION SHALL BE BROUGHT IN
43 SUPERIOR COURT IN THE COUNTY WHERE EITHER THE PUBLIC SCHOOL IS LOCATED OR
44 THE AGGRIEVED PERSON RESIDES AT THE TIME OF FILING.

1 H. A CIVIL ACTION BROUGHT PURSUANT TO THIS SECTION MUST BE
2 INITIATED WITHIN TWO YEARS AFTER THE ALLEGED VIOLATION OCCURRED.
3 I. A PERSON WHO IS AGGRIEVED UNDER THIS SECTION AND WHO PREVAILS IN
4 COURT MAY RECOVER MONETARY DAMAGES FOR ALL PSYCHOLOGICAL, EMOTIONAL AND
5 PHYSICAL HARM SUFFERED.
6 J. A PERSON WHO PREVAILS ON A CLAIM BROUGHT PURSUANT TO THIS
7 SECTION IS ENTITLED TO RECOVER REASONABLE ATTORNEY FEES AND COSTS.
8 K. FOR THE PURPOSES OF THIS SECTION, EVIDENCE OF A PERSON'S
9 BIOLOGICAL SEX INCLUDES ANY GOVERNMENT-ISSUED IDENTIFICATION DOCUMENT THAT
10 ACCURATELY REFLECTS THE PERSON'S SEX AS LISTED ON THE PERSON'S ORIGINAL
11 BIRTH CERTIFICATE.
12 L. THIS SECTION DOES NOT LIMIT OTHER REMEDIES AT LAW OR EQUITY
13 AGAINST THE PUBLIC SCHOOL THAT ARE AVAILABLE TO A PERSON WHO IS AGGRIEVED
14 UNDER THIS SECTION.
15 M. FOR THE PURPOSES OF THIS SECTION:
16 1. "CHANGING FACILITY":
17 (a) MEANS A FACILITY IN WHICH A PERSON MAY BE IN A STATE OF UNDRESS
18 IN THE PRESENCE OF OTHERS.
19 (b) INCLUDES A LOCKER ROOM, CHANGING ROOM AND SHOWER ROOM.
20 2. "RESTROOM" MEANS A FACILITY THAT INCLUDES ONE OR MORE TOILETS OR
21 URINALS.
22 3. "SEX" MEANS A PERSON'S IMMUTABLE BIOLOGICAL SEX AS DETERMINED BY
23 ANATOMY AND GENETICS EXISTING AT THE TIME OF THE PERSON'S BIRTH.
24 Sec. 2. Short title
25 This act may be cited as the "Arizona Accommodations for All
26 Children Act".