

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1156

5 By: Representatives Bentley, K. Brown, Crawford, D. Hodges, Ladyman, Long, Lundstrum, McAlindon,
6 Miller, S. Richardson, Rose, Tosh
7 By: Senator D. Sullivan
8

For An Act To Be Entitled

9
10 AN ACT CONCERNING A PUBLIC SCHOOL DISTRICT OR OPEN-
11 ENROLLMENT PUBLIC CHARTER SCHOOL POLICY RELATING TO
12 THE SEX OF A PUBLIC SCHOOL STUDENT WHO ATTENDS A
13 PUBLIC SCHOOL SPONSORED OR SUPERVISED OVERNIGHT TRIP;
14 CONCERNING THE DESIGNATION OF A MULTIPLE OCCUPANCY
15 RESTROOM OR CHANGING AREA BASED ON AN INDIVIDUAL'S
16 SEX; AND FOR OTHER PURPOSES.
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Subtitle

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20 CONCERNING A PUBLIC SCHOOL DISTRICT OR
21 OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL
22 POLICY RELATING TO A PUBLIC SCHOOL
23 STUDENT'S SEX.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code Title 6, Chapter 10, Subchapter 1, is amended
29 to add an additional section to read as follows:

30 6-10-137. Overnight trips.

31 A public school district or open-enrollment public charter school that
32 sponsors or supervises an overnight trip involving a public school student
33 shall ensure that a public school student attending the overnight trip is
34 assigned to a room based on the public school student's birth-assigned
35 gender.
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1 SECTION 2. Arkansas Code Title 6, Chapter 21, Subchapter 1, is amended
2 to add an additional section to read as follows:

3 6-21-120. Public school restrooms – Designation based on sex.

4 (a) As used in this section:

5 (1)(A) "Multiple occupancy restroom or changing area" means an
6 area in a public school district or open-enrollment public charter school
7 building that is designed or designated to be used by one (1) or more
8 individuals at the same time and in which one (1) or more individuals may be
9 in various stages of undress in the presence of other individuals.

10 (B) "Multiple occupancy restroom or changing area"
11 includes without limitation the following:

12 (i) A restroom;

13 (ii) A locker room;

14 (iii) A changing room; and

15 (iv) A shower room; and

16 (2) "Sex" means the physical condition of being male or female
17 based on genetics and physiology, as identified on an individual's original
18 birth certificate.

19 (b) To ensure privacy and safety, each public school district and
20 open-enrollment public charter school that serves students in prekindergarten
21 through grade twelve (preK-12) in this state shall:

22 (1) Require each multiple occupancy restroom or changing area to
23 be designated as follows:

24 (A) For the exclusive use by the male sex; or

25 (B) For the exclusive use by the female sex;

26 (2)(A) Provide a reasonable accommodation to an individual who
27 does not wish to comply with subdivision (b)(1) of this section.

28 (B) A reasonable accommodation under this subdivision
29 (b)(2)(A) shall include access to a single-occupancy restroom or changing
30 room; and

31 (3)(A) Adopt a policy to administer disciplinary action for an
32 individual who refuses to comply with this section.

33 (B) A public school district or open-enrollment public
34 charter school that serves students in prekindergarten through grade twelve
35 (preK-12) in this state shall not adopt a policy under this subdivision
36 (b)(3)(A) that is contrary to this section.

1 (c) This section does not apply to an individual who enters a multiple
 2 occupancy restroom or changing area designated for use by the opposite sex
 3 when he or she enters for at least one (1) of the following circumstances:

4 (1) For custodial, maintenance, or inspection purposes;

5 (2) To render emergency medical assistance; or

6 (3) To address an ongoing emergency, including without
 7 limitation a physical altercation.

8 (d) Upon the State Board of Education finding noncompliance with this
 9 section, a noncompliant public school district or open-enrollment public
 10 charter school shall receive a five percent (5%) decrease in state foundation
 11 funding as provided under § 6-20-2305 for the fiscal year following the year
 12 the public school district or open-enrollment public charter school was found
 13 to be noncompliant with this section.

14 (e) A parent, legal guardian, or person standing in loco parentis of a
 15 public school student shall have a cause of action against a public school
 16 district or open-enrollment public charter school that is found to be
 17 noncompliant under subsection (d) of this section.

18 (f) The Division of Elementary and Secondary Education shall
 19 promulgate rules to implement this section.

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