

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Introduced By: Senators E Morgan, Rogers, and DeLuca

Date Introduced: March 07, 2023

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils" is
2 hereby amended by adding thereto the following sections:

3 **16-21-42. Overnight trips.**

4 (a) A public school district or open-enrollment public charter school that sponsors or
5 supervises an overnight trip involving a public school student shall ensure that a public school
6 student attending the overnight trip is either provided sleeping quarters with a member of the same
7 sex, or is provided individual sleeping quarters. Except as provided in subsection (b) of this section,
8 no student shall be permitted to share sleeping quarters with a student of the opposite sex.

9 (b) A public school student attending an overnight trip may share sleeping quarters with a
10 member of the opposite sex if that member is related by blood and part of the student's immediate
11 family.

12 **16-21-43. Public school restrooms -- Designation based on sex.**

13 (a) As used in this section:

14 (1) "Multiple occupancy restroom or changing area" means an area in a public school
15 district or open-enrollment public charter school building that is designed or designated to be used
16 by one or more individuals at the same time and in which one or more individuals may be in various
17 stages of undress in the presence of other individuals, and shall include, but not be limited to:

18 (i) A restroom;

19 (ii) A locker room;

1 (iii) A changing room; and

2 (iv) A shower room.

3 (2) "Sex" means the physical condition of being male or female based on genetics and
4 physiology. A public school district or open-enrollment public charter school may rely upon a
5 public school student's sex as identified on their original birth certificate issued at or near the time
6 of their birth.

7 (b) To ensure privacy and safety, each public school district and open-enrollment public
8 charter school that serves students in prekindergarten through grade twelve (preK-12) in this state
9 shall require each multiple occupancy restroom or changing area to be designated as for the
10 exclusive use by the male sex or for the exclusive use by the female sex.

11 (c) Each public school district and open-enrollment public charter school shall provide a
12 reasonable accommodation to an individual who is unwilling or unable to use a multiple occupancy
13 restroom or changing area designated for the individual's sex. A reasonable accommodation under
14 this subsection may include, without limitation, access to a single-occupancy restroom or changing
15 area. A reasonable accommodation shall not include access to a restroom or changing area that is
16 designated for use by members of the opposite sex if any members of the opposite sex are present
17 or may be present in the restroom or changing area.

18 (d) This section does not apply to an individual who enters a multiple occupancy restroom
19 or changing area designated for use by the opposite sex when entered for at least one of the
20 following circumstances:

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

22 (2) To render emergency medical assistance; or

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

24 (e) Nothing in this section shall be construed to prohibit a public school district or open-
25 enrollment public charter school from adopting a policy that is necessary to accommodate
26 individuals protected under the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, as
27 it existed on January 1, 2023, or young children who are in need of physical assistance when using
28 a restroom or changing facility that is located in a public school district or open-enrollment public
29 charter school; provided, however, that the provisions of the policy shall not be contrary to this
30 section.

31 (f) An allegation of noncompliance with this section shall be referred to the attorney
32 general by filing a formal complaint. The attorney general may seek injunctive relief or prosecute
33 intentional and willful violations of this section.

34 (2) Upon conviction for an intentional and willful violation of this section, the following

1 individuals, as applicable, shall be subject to a fine not to exceed one thousand dollars (\$1,000):

2 (1) The superintendent of a public school district where the intentional and willful violation
3 occurred, if the superintendent is found specifically to be noncompliant with this section;

4 (2) The principal of a public school where the intentional and willful violation occurred, if
5 the principal is found specifically to be noncompliant with this section;

6 (3) The director or administrative head of an open-enrollment public charter school where
7 the intentional and willful violation occurred, if the director or administrative head is found
8 specifically to be noncompliant with this section; or

9 (4) A teacher or supervisor of a classroom or school-sponsored activity, if the teacher or
10 supervisor is found specifically to have intentionally and willfully violated this section.

11 (g) A parent, legal guardian, or person standing in loco parentis of a public school student
12 shall have a cause of action against a public school district or an open-enrollment public charter
13 school if:

14 (1) Their public school student encounters a member of the opposite sex in a public school
15 district or open-enrollment public charter school multiple occupancy restroom or changing area
16 that is designated for the public school student's sex if the member of the opposite sex received
17 permission from the public school district or open-enrollment public charter school superintendent
18 or the public school or open-enrollment public charter school building principal to use the multiple
19 occupancy restroom or changing area;

20 (2) Their public school student is, in violation of the provisions of §16-21-42, required by
21 a public school district or open-enrollment public charter school superintendent or the public school
22 or open-enrollment public charter school building principal to share sleeping quarters with a
23 member of the opposite sex who is not a blood relative and family member of the public school
24 student; or

25 (3) The public school district or open-enrollment public charter school is found to be
26 noncompliant with the provisions of this section.

27 (g) The department of elementary and secondary education shall promulgate rules to
28 implement this section.

29 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

1 This act would require that public school children on an overnight trip not be roomed with
2 students of the opposite sex. Additionally, this act would provide that schools provide separate
3 restrooms for students of the opposite sex and an intentional and willful violation may be
4 punishable by a fine not to exceed one thousand dollars (\$1,000).

5 This act would take effect upon passage.

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