



ROSENSTEIN, FIST & RINGOLD

RED BANNER UPDATE

Date: May 27, 2022

Re: SB 615

Signed: May 25, 2022

Effective: Immediately

Topic: **Transgender Bathroom Legislation**

Summary: Senate Bill 615 (the “Bill”) creates a new section of law at OKLA. STAT. tit. 70, § 1-125 and requires schools serving students in grades K-12 to designate multi-occupancy restrooms and changing areas for the exclusive use of either the male or the female sex.

Defining the Terms

The Bill defines “sex” as “the physical condition of being male or female based on genetics and physiology, as identified on the individual’s original birth certificate.”

“Multiple occupancy restroom or changing area” is defined as “an area in a public school or public charter school building designed or designated to be used by more than one individual at a time, where individuals may be in various stages of undress in the presence of other individuals. The term may include but is not limited to a school restroom, locker room, changing room, or shower room.”

Substantive Requirements

In order “to ensure privacy and safety,” the Bill requires public schools that serve students in prekindergarten through twelfth grades (K-12) to designate every multiple occupancy restroom or changing area as either for the exclusive use of the male sex or for the exclusive use of the female sex.

The Bill further requires each public school to provide a “reasonable accommodation” to any individual who does not wish to comply with the



designations mentioned above, and it states that a reasonable accommodation “shall be access to a single occupancy restroom or changing room.”

Exceptions

The Bill provides exemptions to individuals entering multiple occupancy restrooms or changing areas designated for the opposite sex if their entry is for either custodial, maintenance, or inspection purposes. An exemption also exists for purposes of rendering emergency medical assistance.

Required Board Policies

School district boards of education are now obligated to adopt a policy to discipline individuals who refuse to comply with the required bathroom designations, and boards are also prohibited from adopting a policy that contradicts the Bill’s language.

Penalties for Noncompliance

If the State Board of Education finds that any school district is not complying with the Bill, the noncompliant school will have its state funding decreased by 5% for the following fiscal year.

Lastly, the Bill creates a cause of action for a parent or legal guardian of a student who is enrolled in and physically attending a school if that school fails to comply with the bathroom designation or reasonable accommodation provisions.

For More Information

Please visit the firm’s website to view the signed Bill.

RFR attorneys are reviewing this legislation and will be drafting a recommended policy for districts to implement in response to the Bill’s passage.