

158.189 Legislative findings -- Policies for use of restrooms by students of the opposite biological sex -- Requirements -- Best available accommodation to be provided.

- (1) As used in this section:
 - (a) "Biological sex" means the physical condition of being male or female, which is determined by a person's chromosomes, and is identified at birth by a person's anatomy; and
 - (b) "School" means a school under the control of a local board of education or a charter school board of directors.
- (2) The General Assembly finds that:
 - (a) School personnel have a duty to protect the dignity, health, welfare, and privacy rights of students in their care;
 - (b) Children and young adults have natural and normal concerns about privacy while in various states of undress, and most wish for members of the opposite biological sex not to be present in those circumstances;
 - (c) Allowing students to use restrooms, locker rooms, or shower rooms that are reserved for students of a different biological sex:
 1. Will create a significant potential for disruption of school activities and unsafe conditions; and
 2. Will create potential embarrassment, shame, and psychological injury to students;
 - (d) Parents have a reasonable expectation that schools will not allow minor children to be viewed in various states of undress by members of the opposite biological sex, nor allow minor children to view members of the opposite sex in various states of undress; and
 - (e) Schools have a duty to respect and protect the privacy rights of students, including the right not to be compelled to undress or be unclothed in the presence of members of the opposite biological sex.
- (3) Each local board of education or charter school board of directors shall, after allowing public comment on the issue at an open meeting, adopt policies necessary to protect the privacy rights outlined in subsection (2) of this section and enforce this subsection. Those policies shall, at a minimum, not allow students to use restrooms, locker rooms, or shower rooms that are reserved for students of a different biological sex.
- (4)
 - (a) A student who asserts to school officials that his or her gender is different from his or her biological sex and whose parent or legal guardian provides written consent to school officials shall be provided with the best available accommodation, but that accommodation shall not include the use of school restrooms, locker rooms, or shower rooms designated for use by students of the opposite biological sex while students of the opposite biological sex are present or could be present.
 - (b) Acceptable accommodations may include but are not limited to access to single-stall restrooms or controlled use of faculty bathrooms, locker rooms, or

shower rooms.

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History: Created 2023 Ky. Acts ch. 132, sec. 3, effective March 29, 2023.