

By: Toth

H.B. No. 5256

A BILL TO BE ENTITLED

AN ACT

relating to a public school policy regarding multi-occupancy  
bathrooms or changing facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 38, Education Code, is  
amended by adding Section 38.044 to read as follows:

Sec. 38.044. POLICY REGARDING MULTI-OCCUPANCY BATHROOM OR  
CHANGING FACILITY. (a) In this section, "multi-occupancy bathroom  
or changing facility" means a facility designed or designated for  
use by more than one person at a time, where a person may be in a  
state of undress in the presence of another person, regardless of  
whether the facility provides curtains or partial walls for  
privacy. The term includes a restroom, locker room, changing room,  
or shower room.

(b) A school district shall ensure that any policy adopted  
by the district regarding multi-occupancy bathrooms or changing  
facilities protects:

(1) the health, safety, and welfare of students;  
(2) the confidentiality of student educational  
information as required under state and federal law, including the  
Family Educational Rights and Privacy Act of 1974 (20 U.S.C.  
Section 1232g); and

(3) the privacy interests of all students and the  
students' parents.

1        (c) If a school district adopts a policy that allows for  
2 separation of multi-occupancy bathrooms or changing facilities  
3 according to a criterion other than a person's biological sex  
4 assigned at birth, the policy must:

5            (1) include:

6                    (A) a description of:

7                            (i) which multi-occupancy bathrooms or  
8 changing facilities are not separated by biological sex assigned at  
9 birth; and

10                           (ii) if a multi-occupancy bathroom or  
11 changing facility is not separated by biological sex assigned at  
12 birth, the method by which students will be supervised in that  
13 facility and the manner in which that method of supervision ensures  
14 the safety and privacy of students; and

15                    (B) accommodations or modifications for students  
16 who wish to use a multi-occupancy bathroom or changing facility  
17 separated by biological sex assigned at birth; and

18            (2) be:

19                    (A) posted on the district's Internet website;  
20 and

21                    (B) provided at the beginning of each school year  
22 by mail to each parent of a student enrolled in the district.

23        (d) The requirements under Subsection (c) do not apply to a  
24 faculty bathroom that is not accessible to students.

25        SECTION 2. This Act applies beginning with the 2023-2024  
26 school year.

27        SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2023.