



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1659

Introduced 2/8/2023, by Sen. Andrew S. Chesney

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.85 new
105 ILCS 5/34-18.82 new

Amends the School Code. Provides that school districts may regulate and restrict access to public restrooms, locker rooms, dressing rooms, and other similar places on the basis of biological sex and may also adopt a policy that provides for gender neutral or alternative facilities for students, staff, and members of the public, as the school district deems appropriate. Provides that school districts are not required to: (1) adopt a policy that restricts or regulates access to public restrooms, locker rooms, dressing rooms, and other similar places on the basis of biological sex; (2) adopt a policy that includes the facilitation of gender neutral or alternative facilities for students, staff, and members of the public; (3) limit access by a minor accompanied by an adult guardian of the opposite sex into a specified facility appropriate for the adult guardian; (4) prohibit a person with disabilities from using a specified facility appropriate to the biological sex of either the person with disabilities or of an adult caretaker providing assistance; (5) prohibit access to these facilities by custodial staff, school staff, or other persons in an emergency situation; or (6) alter their current policies on access to public restrooms, locker rooms, dressing rooms, and other similar places.

LRB103 27389 RJT 53761 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by adding Sections
5 10-20.85 and 34-18.82 as follows:

6 (105 ILCS 5/10-20.85 new)

7 Sec. 10-20.85. School restroom access.

8 (a) In this Section, "biological sex" means the physical
9 condition of being male or female, as determined by a person's
10 chromosomes, assigned at birth.

11 (b) Notwithstanding any other provision of law, a school
12 district may regulate and restrict access to public restrooms,
13 locker rooms, dressing rooms, and other similar places on the
14 basis of biological sex and may adopt a policy that provides
15 for gender neutral or alternative facilities for students,
16 staff, and members of the public, as the school district deems
17 appropriate.

18 (c) Nothing in this Section shall be construed to in any
19 way require a school district to:

20 (1) adopt a policy that restricts or regulates access
21 to public restrooms, locker rooms, dressing rooms, and
22 other similar places on the basis of biological sex;

23 (2) adopt a policy that includes the facilitation of

1 gender neutral or alternative facilities for students,
2 staff, and members of the public;

3 (3) limit access by a minor accompanied by an adult
4 guardian of the opposite sex into a specified facility
5 appropriate for the adult guardian;

6 (4) prohibit a person with disabilities from using a
7 specified facility appropriate to the biological sex of
8 either the disabled person or of an adult caretaker
9 providing assistance;

10 (5) prohibit access to these facilities by custodial
11 staff, school staff, or other persons in an emergency
12 situation; or

13 (6) alter its current policies on access to public
14 restrooms, locker rooms, dressing rooms, and other similar
15 places.

16 (105 ILCS 5/34-18.82 new)

17 Sec. 34-18.82. School restroom access.

18 (a) In this Section, "biological sex" means the physical
19 condition of being male or female, as determined by a person's
20 chromosomes, assigned at birth.

21 (b) Notwithstanding any other provision of law, the school
22 district may regulate and restrict access to public restrooms,
23 locker rooms, dressing rooms, and other similar places on the
24 basis of biological sex and may adopt a policy that provides
25 for gender neutral or alternative facilities for students,

1 staff, and members of the public, as the school district deems
2 appropriate.

3 (c) Nothing in this Section shall be construed to in any
4 way require the school district to:

5 (1) adopt a policy that restricts or regulates access
6 to public restrooms, locker rooms, dressing rooms, and
7 other similar places on the basis of biological sex;

8 (2) adopt a policy that includes the facilitation of
9 gender neutral or alternative facilities for students,
10 staff, and members of the public;

11 (3) limit access by a minor accompanied by an adult
12 guardian of the opposite sex into a specified facility
13 appropriate for the adult guardian;

14 (4) prohibit a person with disabilities from using a
15 specified facility appropriate to the biological sex of
16 either the disabled person or of an adult caretaker
17 providing assistance;

18 (5) prohibit access to these facilities by custodial
19 staff, school staff, or other persons in an emergency
20 situation; or

21 (6) alter its current policies on access to public
22 restrooms, locker rooms, dressing rooms, and other similar
23 places.