**A** **BILL**

TO PROVIDE FOR THE DESIGNATION OF RESTROOMS, LOCKER ROOMS, SHOWER ROOMS, AND OTHER FACILITIES WHERE STUDENTS MAY BE IN A STATE OF UNDRESS IN THE PRESENCE OF OTHER STUDENTS IN THE BERKELEY COUNTY SCHOOL DISTRICT AS BEING FOR THE USE OF MALE STUDENTS OR FEMALE STUDENTS; TO PROHIBIT A PERSON OF ONE SEX FROM USING A RESTROOM, LOCKER ROOM, SHOWER ROOM, OR OTHER FACILITY DESIGNATED FOR USE BY THE OPPOSITE SEX, TO PROVIDE FOR ALTERNATE REST ROOMS, LOCKER ROOMS, SHOWER ROOMS, OR OTHER FACILITIES WHERE STUDENTS MAY BE IN A STATE OF UNDRESS IN THE PRESENCE OF OTHER STUDENTS UNDER CERTAIN CIRCUMSTANCES; AND TO DEFINE NECESSARY TERMS; AND TO PROVIDE THAT THE PROVISIONS OF THIS ACT APPLY DURING THE 2016‑2017 SCHOOL YEAR.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. In recognition of student’s physical privacy rights, the need to ensure student safety, and the need to maintain school discipline, this act directs school site staff and administrators in the Berkeley County School District regarding their duties in relation to student use of restrooms, locker rooms, showers, and other school facilities where students may be in a state of undress in the presence of other students during the 2016‑2017 school year.

SECTION 2. For the purposes of this act, ‘sex’ means an individual’s immutable biological sex as objectively determined by anatomy and genetics existing at the time of birth. An individual’s original birth certificate may be relied upon as definitive evidence of an individual’s sex.

SECTION 3. (A) Notwithstanding any law or school policy to the contrary, every public school restroom, locker room, and shower room in the Berkeley County School District that is accessible by multiple persons at the same time shall be designated for use by male persons only or female persons only.

(B) In Berkeley County schools, restrooms, locker rooms, and showers that are designated for one sex shall be used only by members of that sex; and no person shall enter a restroom, locker room, or shower that is designated for one sex unless he or she is a member of that sex.

(C) In any other Berkeley County school facility or setting where a person may be in a state of undress in the presence of others, school personnel shall provide separate, private areas designated for use by persons based upon his or her sex, and no person shall enter these private areas unless he or she is a member of the designated sex.

(D) The provisions of this act do not apply to a person who enters a facility designated for the opposite sex:

(1) for custodial or maintenance purposes, when the facility is not occupied by a member of the opposite sex;

(2) to render medical assistance; or

(3) during a natural disaster, emergency, or when necessary to prevent a serious threat to good order or student safety.

(E) Nothing in this act shall be construed to prohibit the Berkeley County School District from adopting policies necessary to accommodate disabled persons or young children in need of physical assistance when using restrooms, locker rooms, and shower rooms.

SECTION 4. Students who, for any reason, desire greater privacy when using a facility described in SECTION 3 may submit a request to the principal for access to alternative facilities. The principal shall evaluate these requests on a case‑by‑case basis and shall, to the extent reasonable, offer options for alternate facilities, which may include, but are not limited to, access to a single‑stall restroom, access to a unisex restroom, or controlled use of an employee restroom, locker room, or shower. In no event shall the accommodation be access to a facility described in SECTION 3 that is designated for use by members of the opposite sex while students of the opposite sex are present or could be present.

SECTION 5. This act takes effect upon approval by the Governor. The provisions of this act shall apply only during the 2016‑2017 school year.

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