STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 1619

By: Bingman of the Senate

and

Hickman of the House

AS INTRODUCED

An Act relating to schools; providing definition; authorizing certain persons to request religious accommodations under certain circumstances; directing a board of education to respond to certain request; prohibiting use of certain facility for compliance; providing for private right of action for certain violation; authorizing the Attorney General to represent certain persons under certain circumstances; requiring certain notice; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-110 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. As used in this section, "sex" means the physical condition of being male or female, as identified at birth by that individual's anatomy.

B. If a school district allows:
1. Student restrooms, athletic changing facilities or showers
designated for the exclusive use of the male sex to be accessed by
members of the female sex; and/or

2. Student restrooms, athletic changing facilities or showers
designated for the exclusive use of the female sex to be accessed by
members of the male sex,
a student enrolled in the school district or the parent or legal
guardian of a student enrolled in the school district may request a
religious accommodation as described in subsection C of this
section.

C. A student enrolled at a public school district in the state
or the parent or legal guardian of a student enrolled at a public
school district in the state may submit to the board of education of
the school district a request for a religious accommodation based on
the student's sincerely held religious beliefs. The accommodation
shall be for the use of restrooms, athletic changing facilities or
showers designated for the exclusive use of that student's sex
granted to:

1. Any male student who requests or whose parent or legal
guardian requests, on a student's behalf, to use a restroom,
athletic changing facility or shower designated for the exclusive
use of the male sex; or

2. Any female student who requests or whose parent or legal
guardian requests, on the student's behalf, to use a restroom,
D. Providing access to a single-occupancy restroom, athletic changing facility or showers to a student who has submitted a request for a religious accommodation or to a student whose parent or legal guardian has submitted a request for a religious accommodation pursuant to subsection C of this section shall not be an allowable accommodation.

E. This act creates a private right of action for violations of subsection C of this section.

F. The Attorney General of the State of Oklahoma is hereby authorized to represent a school district or employee in a legal challenge to any federal regulation or mandate that requires the school district to implement a policy as stated in paragraph 1 of subsection B of this section and/or paragraph 2 of subsection B of this section.

G. The Attorney General is further authorized to intervene in any legal proceeding for the purpose of enforcing the provisions of this act. Any court addressing a suit arising out of this section shall, within five (5) days of receiving service of summons, notify the Attorney General of the State of Oklahoma of the pendency of the action.

SECTION 2. This act shall become effective July 1, 2016.
SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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