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Iowa Safe Schools Legislative Update for Iowa's K-12 Schools: Suggestions and Resources for Supporting LGBTQ Students under SF 496 and SF 482

schools

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VII. Bathroom and Locker Room Access and Overnight Accommodations

Regarding Bathroom and Locker Room Access, SF 482 states:

“A school shall require a multiple occupancy restroom or changing area to be designated only for and used by persons of the same sex. A person shall not enter a multiple occupancy restroom or changing area, or a single occupancy restroom or changing area designated only for persons of the same sex, that does not correspond with the person's sex. A student who, for any reason, desires greater privacy when using a single or multiple occupancy restroom or changing area, and whose parent or legal guardian provides written consent to school officials, may submit a request to such officials for access to alternative facilities.”

“In no event shall any accommodation be made that includes access to a student multiple occupancy restroom or changing area or a single occupancy restroom or changing area designated for use by students of the opposite sex while students of the opposite sex are present or could be present. ”

Things to Think About

1. SF 482 extends to every person in the school. It states that no one, including students, parents, educators, etc. may use a bathroom that is designated for a sex that is different from the sex they were assigned at birth.
2. If your school has single use bathrooms, they can be made available for students to use, regardless of gender identity or sex assigned at birth.
3. Since you cannot tell a person's assigned sex at birth by looking at the clothes they wear, their haircut, or even their name. It is generally not best practice to try to correct the bathroom they are using.
 - a. Ex: an elementary school student who keeps their hair short and wears masculine clothing might have been assigned female at birth and use the girls bathroom. Many people look at her and assume she's a boy/was assigned male at birth.
 - b. Ex: A transgender father is attending his child's basketball game. Per the law he would need to use the women's bathroom, despite appearing to others as a grown man.

In either one of these scenarios, trying to determine which bathroom someone should be in is nearly impossible and not conducive to an effective learning environment.

4. If single-use bathrooms are a general part of a school's infrastructure, students do not need an accommodation to use them. They are available to anyone.

Regarding School Travel, SF 482 States:

“In any other school facility, a facility used for extracurricular activity, overnight accommodations, or any other setting where a student may be in various stages of undress in the presence of other students or persons, school personnel shall provide separate, private areas designated for use by students based on the students’ sex.”

Things to Think About

1. Overnight accommodations are often uncomfortable for students. For students who are part of the LGBTQ community, who don’t speak English as their primary language, who have cultural differences from the majority of their classmates, or who are differently abled, this discomfort is often amplified.
2. Including students in decisions that affect them is the best way to honor their safety and comfort.

Suggestions and Recommendations

1. Wherever possible, make your school’s single use bathroom facilities available for student use. If they are a part of the school’s infrastructure and available to any student, using them is generally not considered to be an accommodation.
2. Send home a permission slip to all families for their student(s) to use a single-use restroom or changing facilities, when requested, as part of the beginning of the year paperwork.
3. When making overnight accommodations for students as part of a school program, involve students in the process of choosing roommates. If a student requests a room to themselves or to share a room with only one individual, try to honor those requests whenever possible.
4. Don’t try to monitor bathrooms to make sure people are in compliance. Trying to determine who belongs in which bathroom based on what they look like is not always accurate, and could put individual educators or the school district in the middle of discrimination accusations.