Purpose

The purpose of this regulation is to ensure compliance with law and policy regarding the use of private spaces in District facilities. This regulation provides guidance on the designation and use of multiple-occupancy private spaces based on sex, as defined in the Texas Women's Privacy Act, Government Code Chapter 3002. The Board of Trustees has directed the Superintendent to ensure that appropriate staff designate private spaces in accordance with the law. [See CSA(LEGAL) and (LOCAL)]

Application

This regulation applies to all employees, students, contractors, and visitors and governs the use of private spaces in all buildings owned, operated, or controlled by the District. The District will take every reasonable step to ensure an individual whose sex is opposite to the sex designated for a private space does not enter the private space, unless the use meets an exception or accommodation as set forth below.

Designation of Private Spaces

Private spaces where an individual may be in a state of undress will be designated either single-occupancy or multiple-occupancy as defined by law. [See CSA(LEGAL)]

Designation of private spaces will be determined by the Superintendent or designee for all non-campus District facilities. Designation of private spaces at campus facilities will be by the campus principal or designee.

Single-Occupancy Private Spaces

Single-occupancy private spaces owned, operated, or controlled by the District may be designated as either male, female, or unisex. The District may also designate a family restroom or a single-occupancy changing room. Single-occupancy private spaces will have a locking door unless the space is designated for use only by children under 9 or individuals needing assistance through an accommodation as described below.

Multiple-Occupancy Private Spaces

The District will designate each multiple-occupancy private space in a building the District owns, operates, or controls for use only by individuals of one sex. The District may change the designation of a multiple-occupancy private space from the exclusive use of one sex to the exclusive use of the other sex.

The District will designate private spaces and change the designation of multiple- or single-occupancy private spaces with appropriate notice and/or signage.

For purposes of this regulation, notice may include verbal announcements, written communications, posted schedules, staff supervision, temporary postings, or other reasonable methods appropriate to the circumstances.

The District's use of notice, signage, procedures, supervision, training, and administrative controls collectively constitute reasonable steps to ensure compliance with law.

Athletic, Band, and Performance Facilities

A multiple-occupancy private space may be temporarily designated as a non-private space. Temporary redesignation of a space may be warranted for coaching, instruction, rehearsal, training, medical care, media coverage, parent visits, or other purposes approved by the Superintendent.

Appropriate campus or District officials will notify affected staff, participating students, and participating students' parents of a general schedule of approximate times immediately before, during, and after practices, rehearsals, events, and competitions that specific spaces will be designated non-private.

In order to ensure the privacy of student participants and others is respected, consistent protocols will be followed as a space is changing from a designated private space to a non-private space. A clear announcement will be made to ensure that no one is in a state of undress and occupants are placed on notice that the space is in a non-private status. Temporary signage must be posted at or near the entrance of the space during these times.

Prohibitions

The use of a multiple-occupancy private space by an individual whose sex is opposite to the sex-designation of the private space is prohibited, unless the use meets an exception or accommodation as set forth below.

Exceptions

The following are exceptions to the designation of multiple-occupancy private spaces for the use of a single sex:

- Providing custodial services;
- Performing maintenance;
- Inspecting facilities;
- Providing medical or other emergency assistance, which includes medical assistance provided by athletic trainers, team physicians, or other medical personnel;
- Assisting an individual who needs assistance using the facility;
- Performing law enforcement duties;
- Rendering assistance to prevent a serious threat to order or safety; and

- Allowing a child age nine or younger to use the space when accompanied by an individual caring for the child.

Accommodations

The District will offer accommodations necessary to assist an individual with a disability, a young child, or an elderly individual who requires assistance to use the facility.

With or without an accommodation, a child nine years of age or younger may enter a multi-occupancy private space designated for the opposite sex of the child when accompanied by an individual caring for the child.

Reporting Violations

Potential violations of this regulation occurring at a school or school activity should be reported immediately to the District employee overseeing the relevant school activity or the campus principal. Potential violations of this regulation occurring at a non-campus facility should be reported immediately to the Superintendent or designee.

Within 24 hours, a report of a known or suspected violation of this regulation will be put in writing and provided to the campus principal, if any, and the Superintendent.

Violations of this policy and regulation may result in corrective or disciplinary action in accordance with District policy and rules.