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SENATE BILL NO. 561

Offered January 14, 2026

Prefiled January 14, 2026

A BILL to amend the Code of Virginia by adding a section numbered 22.1-6.2, relating to public elementary and secondary schools; bathrooms, changing facilities, and other facilities located in public schools; reasonable accommodation based on biological sex required; civil cause of action.

Patron—Reeves

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-6.2 as follows:

§ 22.1-6.2. Public schools; public bathrooms, changing facilities, and other facilities; reasonable accommodation based on biological sex required; civil cause of action.

A. As used in this section:

"Bathroom" means a facility that includes one or more toilets or urinals.

"Changing facility" means an area in a public elementary or secondary school building designated or designed for use by more than one person, including public school students, at a time where a person may be in a state of undress in the presence of others. "Changing facility" includes a locker room, changing room, or shower room.

"Reasonable accommodation" includes access to a single-occupancy bathroom or changing facility, or use of an employee bathroom or changing facility. "Reasonable accommodation" does not include (i) access to a bathroom or changing facility that is designated or designed for use by members of the opposite sex while members of the opposite sex are or could be present; (ii) a request that a school construct, remodel, or in any way perform physical or structural changes to a school facility; or (iii) a request that a school limit access to a bathroom or changing facility that is designated or designed for use by members of the opposite sex, if limiting such access would result in a violation of state or local building codes or standards.

"Sex" means a person's immutable biological sex as determined by anatomy and genetics existing at the time of birth, as evidenced by a government-issued identification document that accurately reflects a person's sex as listed on such person's original birth certificate.

B. A public school shall, to the extent practicable, provide reasonable accommodation to any student, teacher, or other employee of such public school who:

1. Desires greater privacy when using a multi-occupancy bathroom or changing facility located within a public school building that is designated for such student's, teacher's, or employee's sex or when using multi-occupancy sleeping quarters while attending a public school-sponsored activity that are designated for such student's, teacher's, or employee's sex; and

2. Provides a written request for reasonable accommodation to the school principal or, in the case of a student who is younger than 18 years of age, has his parent provide such written request to the school principal.

C. Upon receiving a request for reasonable accommodation pursuant to subsection B, the school principal shall evaluate the request and, to the extent practicable, provide reasonable accommodation. The principal shall issue a decision in writing approving or denying the request. If the principal denies a request for reasonable accommodation, the principal shall state the grounds for such denial in the written decision.

D. If a school principal denies a request for reasonable accommodation pursuant to subsection C, the student, teacher, or employee or, if the student is younger than 18 years of age, such student's parent, may appeal the decision to the school board by submitting a written request for an appeal within 15 calendar days of receipt of the principal's written decision denying the request for reasonable accommodation. The school board shall investigate and attempt to resolve the matter within 15 calendar days of the school board's receipt of the written request for an appeal. If the school board, upon investigating the written request for an appeal, denies or upholds the school principal's denial of the reasonable accommodation, the student, teacher, or employee or, if the student is younger than 18 years of age, such student's parent, may request an appeal of the school board's decision by requesting a hearing on the matter before an impartial hearing officer selected by the school board in accordance with the following procedures:

1. The student, teacher, or employee or, if the student is younger than 18 years of age, such student's parent, shall provide, within 15 calendar days of his receipt of the school board's decision to deny or uphold the school principal's denial of the reasonable accommodation, written notice to the school board of his request for a hearing to appeal the denial;

2. The school board shall name an impartial hearing officer within five days following the school board's

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59 receipt of a request for a hearing pursuant to subdivision 1. A hearing officer shall be deemed "impartial" for
60 the purposes of this subsection if the selected hearing officer has no history of employment with the
61 applicable school board and no relationship with any member of the applicable school board or individual
62 requesting the hearing;

63 3. The impartial hearing officer shall notify all parties of the hearing officer's assignment and schedule a
64 hearing no later than 30 days following the school board's receipt of the request for a hearing pursuant to
65 subdivision 1. The impartial hearing officer may conduct all or part of the hearing by telephone, provided
66 that each participant has an opportunity to participate by telephone;

67 4. The hearing shall be conducted privately; and

68 5. The impartial hearing officer shall, within 10 days of the conclusion of the hearing, provide a written
69 decision to all parties.

70 E. Any student, teacher, or employee of a public school or, if the student is younger than 18 years of age,
71 a parent of any such student, shall have a civil cause of action for injunctive relief, damages, and any other
72 relief available under law against the public school or school board if:

73 1. The student, teacher, or employee encounters a member of the opposite sex in a multi-occupancy
74 bathroom or changing facility located in a public school building and (i) the student, teacher, or employee is
75 in a multi-occupancy bathroom or changing facility designated for such student's, teacher's, or employee's
76 sex at the time of the encounter and (ii) the public school or applicable school board intentionally allowed
77 such member of the opposite sex to enter the multi-occupancy bathroom or changing facility while other
78 persons were present; or

79 2. The student, teacher, or employee is required by the applicable public school to share sleeping quarters
80 with a member of the opposite sex, unless such member of the opposite sex is a family member of the student,
81 teacher, or employee.

82 F. Any civil action brought pursuant to subsection E shall be initiated within one year from the date on
83 which the claim arises. Nothing in this subsection or subsection E shall limit other remedies at law or equity
84 available against the public school or school board.

85 G. This section shall not be construed to prohibit any public school or school board from adopting
86 policies necessary to accommodate individuals protected under the federal Americans with Disabilities Act
87 (42 U.S.C. § 12101 et seq.) or to accommodate any other individuals in need of physical assistance when
88 using bathrooms or changing facilities located in public school buildings.