

Summary of Senate Bill 104 (135th General Assembly): K-12 Education Facilities

The 135th General Assembly passed Senate Bill 104, which enacted a new section of Ohio Revised Code: section 3319.90. This newly enacted section includes several requirements and prohibitions.

In this document, the Ohio Department of Education and Workforce provides a summary of the requirements and prohibitions in section 3319.90. The requirements and prohibitions in section 3319.90 apply to school districts, community schools, STEM schools, chartered nonpublic schools, and educational service centers.

REQUIRED DESIGNATION OF FACILITIES BY MULTIPLE STUDENTS

Section 3319.90 requires a school to designate each student restroom, locker room, changing room, or shower room that is accessible by multiple students at the same time for the exclusive use by students of the male biological sex only or by students of the female biological sex only. This required designation includes such facilities that are in a school building, as well as those located in a facility used by the school for a school-sponsored activity.

PROHIBITIONS

Section 3319.90 prohibits schools from permitting a member of one biological sex from using a student restroom, locker room, changing room, or shower room that is designated for the exclusive use of a different biological sex.

The section also prohibits a school from constructing, establishing, or maintaining a multi-occupancy facility that is designated as nongendered, multigendered, or open to all genders. This section does not prohibit a school from constructing, establishing, or maintaining a family facility.

Nevertheless, the section includes the following exceptions to the prohibitions:

- Establishing a policy providing accommodation such as single-occupancy facilities or controlled use of faculty facilities at the request of a student due to special circumstances.
- A child under the age of 10 being assisted by a parent, guardian, or family member, as well as the parent, guardian, or family member who is assisting the child.
- A person with a disability being assisted by another person, as well as the person providing assistance to the person with a disability.
- A school employee (whose job duties require the employee to enter the room) that is designated for a biological sex that is different from the employee's biological sex.
- A person responding to a legitimate emergency.

EFFECTIVE DATE

Section 3319.90 becomes effective on Feb. 25, 2025.

GUIDANCE AND CONCERNS

Administrators and officials from school districts and schools are encouraged to consult with their legal counsel with respect to further guidance on the law's application to their schools.

Concerns about a school's or school district's compliance with section 3319.90 can be directed to the school's and/or school district's administrators and governing authorities (e.g., local board of education). Concerns about school officials and potential violations of the law can be raised to the State Board of Education's Office for Professional Conduct.