STATE OF NEW YORK

8053

2025-2026 Regular Sessions

IN ASSEMBLY

April 22, 2025

Introduced by M. of A. BARCLAY, BLANKENBUSH, GRAY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to providing for temporary exemptions to educational institutions from certain requirements related to the use of multi-occupancy bathrooms and locker rooms and to authorizing the use of state building aid for related facility improvements

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative intent. It is the intent of the Legislature to ensure that all students in New York State educational institutions have access to private, inclusive, and comfortable bathroom and locker room facilities. This act provides that all educational institutions in the state of New York shall be exempt from the requirement to permit the use of multi-occupancy bathrooms and locker rooms until such facilities are converted, renovated, or newly constructed to ensure a private, inclusive, and comfortable environment for all students.

§ 2. Section 296 of the executive law is amended by adding a new subdivision 4-a to read as follows:

4-a. (a) For the purposes of this subdivision, the following terms shall have the following meanings:

(i) "Educational institution" means any public school district, charter school, board of cooperative educational services, or other entity authorized to provide kindergarten through twelfth grade public education in the state.

(ii) "Multi-occupancy bathroom or locker room" means a facility designed for simultaneous use by more than one individual and customarily designated for use based on gender.

(iii) "Private, inclusive, and comfortable space" means a bathroom or locker room facility designed to allow all students access to privacy

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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and inclusivity regardless of gender identity or expression, including but not limited to single-occupancy or individually partitioned spaces.

(iv) "Transgender" means a person whose gender identity differs from the gender identity typically associated with the sex they were assigned at birth.

(b)(i) All educational institutions in the state shall be temporarily exempt from any state-imposed requirement pursuant to subdivision four of this section related to allowing unrestricted use of multi-occupancy bathrooms and locker rooms by transgender students until such time as the relevant facilities are converted, renovated, or newly constructed to provide private, inclusive, and comfortable spaces for all students.

(ii) This exemption shall remain in effect for each institution until the completion of the institution's necessary facility modifications as described in subparagraph (i) of this paragraph.

(c)(i) School districts and other educational institutions shall be eligible for state building aid pursuant to subdivision six of section three thousand six hundred two of the education law to support the costs of converting, renovating, or constructing bathroom and locker room facilities to provide private, inclusive, and comfortable spaces for all students.

(ii) The commissioner of education shall provide guidance on eligible expenses and procedures for obtaining state building aid for such purposes.

§ 3. Severability clause. If any provision of this act or its application to any person, legal entity, or circumstance is held invalid, the remainder of the act or the application of the provision to other persons, legal entities or circumstances shall not be affected.

§ 4. This act shall take effect immediately.