

Gender Neutral Bathrooms in Schools

On Dec. 23, 2020, Gov. Andrew Cuomo signed bill [A.5240A/S.6479](#) into law requiring school districts, BOCES, charter schools and nonpublic schools to designate all single-occupancy restrooms as gender neutral. The new law becomes effective on March 23, 2021. By the effective date, the above-mentioned schools must have policies and procedures implementing this change and have signs posted on or near each bathroom identifying it as gender neutral.

Specifically, New York State Education Law has been amended by adding a new section, 409-m, which states:

§ 409-m. Gender neutral single-occupancy bathroom facilities. The board of education or trustees of every school district or, in the case of the city school district of New York, the chancellor, and every board of cooperative educational services, charter school and nonpublic school within the state shall develop policies and procedures requiring that all single-occupancy bathroom facilities are designated as gender neutral for use by no more than one occupant at a time or for family or assisted use. Such gender neutral bathroom facilities shall be clearly designated by the posting of such on or near the entry door of each facility. For purposes of this section, "single-occupancy bathroom" shall have the same meaning as paragraph (d) of subdivision one of section one hundred forty-five of the public buildings law.

Accordingly, we recommend that school districts, BOCES, charter schools and nonpublic schools take the following steps in preparation for the March 23, 2021 effective date:

1. Remove signage from single-occupancy bathroom facilities that indicate "male," "female," "girls," "boys," "men" or "women," and replace it with signage designating the bathroom facility as "gender neutral for use by no more than one occupant at a time," "family use" or "assisted use."
2. Develop policies and procedures requiring that all single-occupancy bathroom facilities are designated as gender neutral for use by no more than one occupant at a time, or for family use or assisted use. Such policies and procedures must be approved by the board of education.

We are awaiting information from New York State regarding whether a guidance document or proposed policies and procedures will be issued. We will work with clients to develop the necessary policies and procedures.

If you have questions about the topics referenced in this memo, please contact [Candace Gomez](#), any [attorney](#) in Bond's [School Law practice](#) or the attorney at the firm with whom you are regularly in contact.