



2024 UTAH STATE LEGISLATURE HB 257 – SUMMARY



UTAH ASSOCIATION OF
PUBLIC CHARTER SCHOOLS

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Two thirds of the House and two thirds of the Senate approved HB 257, and Governor Cox has signed HB 257. So HB 257 is now law. Most laws take effect on either May 1 or July 1 of the year in which the Legislature passes them. By its unmistakable terms, HB 257 took effect as soon as the Governor signed it. This memo outlines the practical application of HB 257 in Utah charter schools. As I am not an attorney, this is not legal advice, but a summary of what the bill requires.

HB 257 regulates who may access sex-designated privacy spaces like the locker room or restroom. The main clause is 63G-31-301.

“A student may only access an operational sex-designated privacy space in a public school that is designated for student use if the student’s sex corresponds with the sex designation of the privacy space.”

In most cases, this is relatively straightforward. Boys use the boys locker room, and girls use the girls locker room. The challenge comes when a student’s gender identity does not match their sex as determined at birth. If a student’s gender identity does not match their sex as designated at birth, and that student wants to use a privacy space other than the one matching their sex, the school needs to consult with the student’s parent or legal guardian to develop a plan that meets the student’s needs.

That plan can include these options: reasonable access to a unisex or single-occupant facility, or reasonable access to a faculty or staff restroom. If neither of those options is available, then the school may use staggered scheduling of an otherwise sex-designated privacy space for that student’s plan.

Schools must notify students of this requirement, enforce the requirements and promote compliance. The law is silent on what “promote compliance” must include.

If there is a dispute about whether an individual may use a given sex-designated privacy space, the law outlines what evidence an individual may use to show that the student may use a sex-designated privacy space. Specifically, the individual may point to the student’s “unamended” birth certificate, or documentation of a medical treatment or procedure consistent ONLY with the sex-designation of the privacy space.

Beginning in May, the State Auditor will investigate alleged violations of this law. After being notified by the Auditor of a violation, the school will have 30 calendar days to cure it. Continuing violations may have substantial financial penalties (up to \$10,000 per day per violation). It is also important to note that the law includes an indemnification clause, whereby the attorney general will hold a school harmless for any claims or damages, including court costs and attorney fees you may face because of this law.