WEST VIRGINIA CODE: §5-32-6

§5-32-6. Safety and privacy in restrooms of public schools and state institutions of higher education.

(a) To ensure the privacy and safety of students, each public school system in this state and each state institution of higher education shall:

(1) Designate multiple occupancy restrooms or changing rooms:

(A) For the exclusive use of females;

(B) For the exclusive use of males; and

(2) Provide a reasonable accommodation to an individual who is unwilling or unable to use a multiple occupancy restroom or changing area designated for such individual's sex.

(A) A reasonable accommodation under this paragraph may include, but shall not necessarily be limited to, allowing such individual to access a single-occupancy restroom or changing area.

(B) A reasonable accommodation under this paragraph shall not include allowing such individual to access a restroom or changing area that is designated for use by members of the opposite sex while members of the opposite sex of the individual are present or may be present in the restroom or changing area.

(b) A public school that sponsors or supervises an overnight trip involving public school students or state institution of higher education that sponsors or supervises an overnight trip involving students shall ensure that any student attending the overnight trip either:

(1) Shares sleeping quarters with a member or, if necessary, multiple members, of the same sex; or

(2) Is provided single-occupancy sleeping quarters.

Notwithstanding the foregoing, a public school student attending an overnight trip may share sleeping quarters with a member of the opposite sex if the member of the opposite sex is a member of such student's immediate family. Additionally, a state institution of higher education student may share sleeping quarters with a member of the opposite sex if the state institution of higher education student and the person of opposite sex both agree to shared sleeping quarters in advance of the sponsored or supervised overnight trip.

(c) This section shall not be construed or applied to prohibit an individual from entering a multiple occupancy restroom or changing room designated for the opposite sex when he or she enters such area for one of the following reasons:

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(1) For authorized custodial, maintenance, or inspection purposes;

(2) To render medical assistance;

(3) To render assistance by law enforcement;

(4) To provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety; or

(5) For young children, to accompany an adult caretaker.

(d) Nothing in this section shall be construed to prohibit a public system or a state institution of higher education from adopting policies necessary to accommodate persons protected under the Americans with Disabilities Act of 1990, 42 U.S.C. §12101 *et seq*., as amended, or the West Virginia Human Rights Act, West Virginia Code §16B-17-1 *et seq*.

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