



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3758

Introduced 2/5/2026, by Sen. Andrew S. Chesney

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.88 new
105 ILCS 5/34-18.88 new

Amends the School Code. Provides that school districts shall regulate and restrict access to public restrooms, locker rooms, dressing rooms, and other similar places on the basis of biological sex and shall also adopt a policy that provides for gender neutral or alternative facilities for students, staff, and members of the public, as the school district deems appropriate. Provides that school districts are not required to: (1) limit access by a minor accompanied by an adult guardian of the opposite sex into a specified facility appropriate for the adult guardian; (2) prohibit a person with disabilities from using a specified facility appropriate to the biological sex of either the person with disabilities or of an adult caretaker providing assistance; or (3) prohibit access to these facilities by custodial staff, school staff, or other persons in an emergency situation.

LRB104 19173 LNS 32618 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by adding Sections
5 10-20.88 and 34-18.88 as follows:

6 (105 ILCS 5/10-20.88 new)

7 Sec. 10-20.88. School restroom access.

8 (a) In this Section, "biological sex" means the physical
9 condition of being male or female, as determined by a person's
10 chromosomes, assigned at birth.

11 (b) Notwithstanding any other provision of law to the
12 contrary, a school district shall regulate and restrict access
13 to public restrooms, locker rooms, dressing rooms, and other
14 similar places on the basis of biological sex and shall adopt a
15 policy that provides for gender neutral or alternative
16 facilities for students, staff, and members of the public, as
17 the school district deems appropriate.

18 (c) Nothing in this Section shall be construed to in any
19 way require a school district to:

20 (1) limit access by a minor accompanied by an adult
21 guardian of the opposite sex into a specified facility
22 appropriate for the adult guardian;

23 (2) prohibit a person with disabilities from using a

1 specified facility appropriate to the biological sex of
2 either the disabled person or of an adult caretaker
3 providing assistance; or

4 (3) prohibit access to these facilities by custodial
5 staff, school staff, or other persons in an emergency
6 situation.

7 (105 ILCS 5/34-18.88 new)

8 Sec. 34-18.88. School restroom access.

9 (a) In this Section, "biological sex" means the physical
10 condition of being male or female, as determined by a person's
11 chromosomes, assigned at birth.

12 (b) Notwithstanding any other provision of law to the
13 contrary, the school district shall regulate and restrict
14 access to public restrooms, locker rooms, dressing rooms, and
15 other similar places on the basis of biological sex and shall
16 adopt a policy that provides for gender neutral or alternative
17 facilities for students, staff, and members of the public, as
18 the school district deems appropriate.

19 (c) Nothing in this Section shall be construed to in any
20 way require the school district to:

21 (1) limit access by a minor accompanied by an adult
22 guardian of the opposite sex into a specified facility
23 appropriate for the adult guardian;

24 (2) prohibit a person with disabilities from using a
25 specified facility appropriate to the biological sex of

1 either the disabled person or of an adult caretaker
2 providing assistance; or
3 (3) prohibit access to these facilities by custodial
4 staff, school staff, or other persons in an emergency
5 situation.