

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION
Multiple-Occupancy Private Spaces	BOCC	8-12-26	

PURPOSE:

The Kansas Legislature passed House Substitute for Senate Bill 244 during the 2026 Legislative Session, which requires the designation of Multiple-Occupancy Public Spaces in public buildings for use by only one sex. The Leavenworth County Board of County Commissioners (BOCC) wishes to implement the following policy regarding the designation and use of Multiple Occupancy Private Spaces as defined and regulated under Kansas law. Any current policy or practice in place that conflicts with this policy is repealed.

POLICY:

- I. **Purpose.** The purpose of this policy is to ensure compliance with House Substitute for Senate Bill 244 (adopted 2026) regarding the designation and use of multiple-occupancy private spaces owned or leased by Leavenworth County. This policy establishes procedures for designation of such spaces, responding to complaints, and documenting actions taken to comply with the law.
- II. **Applicability.** This policy applies to all public buildings owned and leased by Leavenworth County, except for buildings owned by Leavenworth County that are leased to a private entity if the lease agreement was in force before February 26, 2026.
- III. **Definitions.** For purposes of this policy, the following definitions apply:
 - a. **Complaint Form:** a complaint form substantially in the form of Exhibit A to this policy.
 - b. **Multiple-Occupancy Private Space:** a facility designed or designated for simultaneous use by more than one individual and in which an individual may be in a state of undress in the presence of another individual, regardless of whether the facility provides curtains or partial walls for privacy. For purposes of this policy, multiple-occupancy private space includes, but is not limited to, a restroom, locker room, changing room, or shower room.
 - c. **Single-Occupancy Private Space:** a facility designed or designated for use by only one individual at a time and in which the individual may be in a state of undress. For purposes of this policy, single-occupancy private space includes, but is not limited to, a single toilet restroom with a locking door that is designed or designated as unisex, or a family restroom or changing room.
 - d. **Sex:** an individual's biological sex, either male or female, at birth.

IV. **Designation of Facilities.**

- a. All multiple-occupancy private spaces located within a building owned or leased by the County and subject to this policy shall be designated for use only by individuals of one sex.
- b. Clear signage shall be posted identifying the designation of each multiple-occupancy private space.

V. **Exceptions.** Consistent with Kansas law, individuals may enter multiple-occupancy public spaces designated for the opposite sex:

- i. for custodial, maintenance, or inspection purposes;
- ii. to render medical or other emergency assistance;
- iii. to accompany and provide assistance to an individual who needs assistance using the facility;
- iv. for law enforcement purposes;
- v. to render assistance necessary in preventing a serious threat to proper order or safety;
- vi. to provide coaching or athletic training during athletic events, provided such individual is a member of the coaching or athletic training staff and such individual ensures that no individual of the opposite sex is in a state of undress prior to entering such multiple-occupancy private space; or
- vii. If the individual is a child under the age of 9 and is accompanied by an individual caring for such child.

VI. **Reasonable Steps to Ensure Compliance.** Leavenworth County shall take every reasonable step to ensure compliance with facility designations. Reasonable steps may include:

- a. posting clear signage;
- b. providing staff training; or
- c. establishing procedures for receiving and documenting complaints.

VII. **Complaint Reporting.**

- a. County employees who receive a complaint regarding the use of a multiple-occupancy private space shall direct the individual to the County Clerk's office to obtain a copy of the complaint form and to submit the completed form to the County Clerk for processing. Complaints submitted through this process may be reviewed and investigated by the County Counselor or their designee.
- b. County employees should not verify an individual's sex, request personal documentation, or directly confront individuals regarding the use of a multiple-occupancy private space. Employees who receive a concern should refer the matter through the complaint process outlined in this policy.
- c. Employees shall respond to complaints in a professional manner and refer concerns to a supervisor or designated administrator as appropriate.
- d. Leavenworth County may review concerns brought to its attention even if a complaint form is not completed.

VIII. **Complaint Review and Investigation.**

- a. The County Counselor shall be responsible for reviewing complaints related to this policy.
- b. Upon receiving a complaint, the County Counselor may:
 - i. review incident reports;
 - ii. speak with staff or witnesses; or

- iii. evaluate whether further action is appropriate.
 - c. The County Counselor shall document the outcome of the review.
- IX. **Written Notice of Violation.**
 - a. If Leavenworth County determines that an individual has violated the designation of a multiple-occupancy private space under Kansas law, the County shall issue written notice of violation to the individual. The written notice shall be delivered via certified mail, return receipt requested to the individual's last known address or by personal service on the individual.
 - b. The written notice shall include:
 - i. the date and location of the multiple-occupancy private space where the violation occurred;
 - ii. a statement that repeated violations may result in fines or criminal charges; and
 - iii. the procedure to administratively appeal the finding that such individual violated this section.
- X. **Appeal of Determination.**
 - a. Any individual who receives a written notice of violation under this policy may request an administrative review of the determination.
 - b. A request for review must be submitted in writing to the County within ten business days after the date the written notice is issued.
 - c. The request should include the individual's name, contact information, and a brief explanation of why the individual believes the determination was made in error.
 - d. The appeal shall be reviewed by the County Administrator or their designee provided that the reviewing official was not directly involved in the determination when practicable.
 - e. In conducting the review, the County may consider:
 - i. Any incident reports;
 - ii. Statements from County employees or witnesses; and
 - iii. Any written information submitted by the individual requesting review.
 - f. The reviewing official may affirm, modify, or dismiss the determination.
 - g. The County shall provide written notice of the decision to the individual. The decision of the reviewing official shall constitute final administrative action of the County.
- XI. **Recordkeeping.** The County shall maintain records of complaints and investigations related to this policy in accordance with applicable records retention requirements.
- XII. **Staff Training.** To assist with implementation of this policy, the County may provide guidance or training, as appropriate, to employees who interact with members of the public.
- XIII. **Policy Administration.** The County Administrator shall be responsible for administering this policy and may develop forms, procedures, and guidance necessary to implement it.