



# **ATHLETES**

# **FOR ACTION**

**UNIT 5: STATE LAW ON GENDER IDENTITY IN  
SCHOOL ATHLETICS**





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# TYPES OF STATE LAWS



# INTRODUCTION

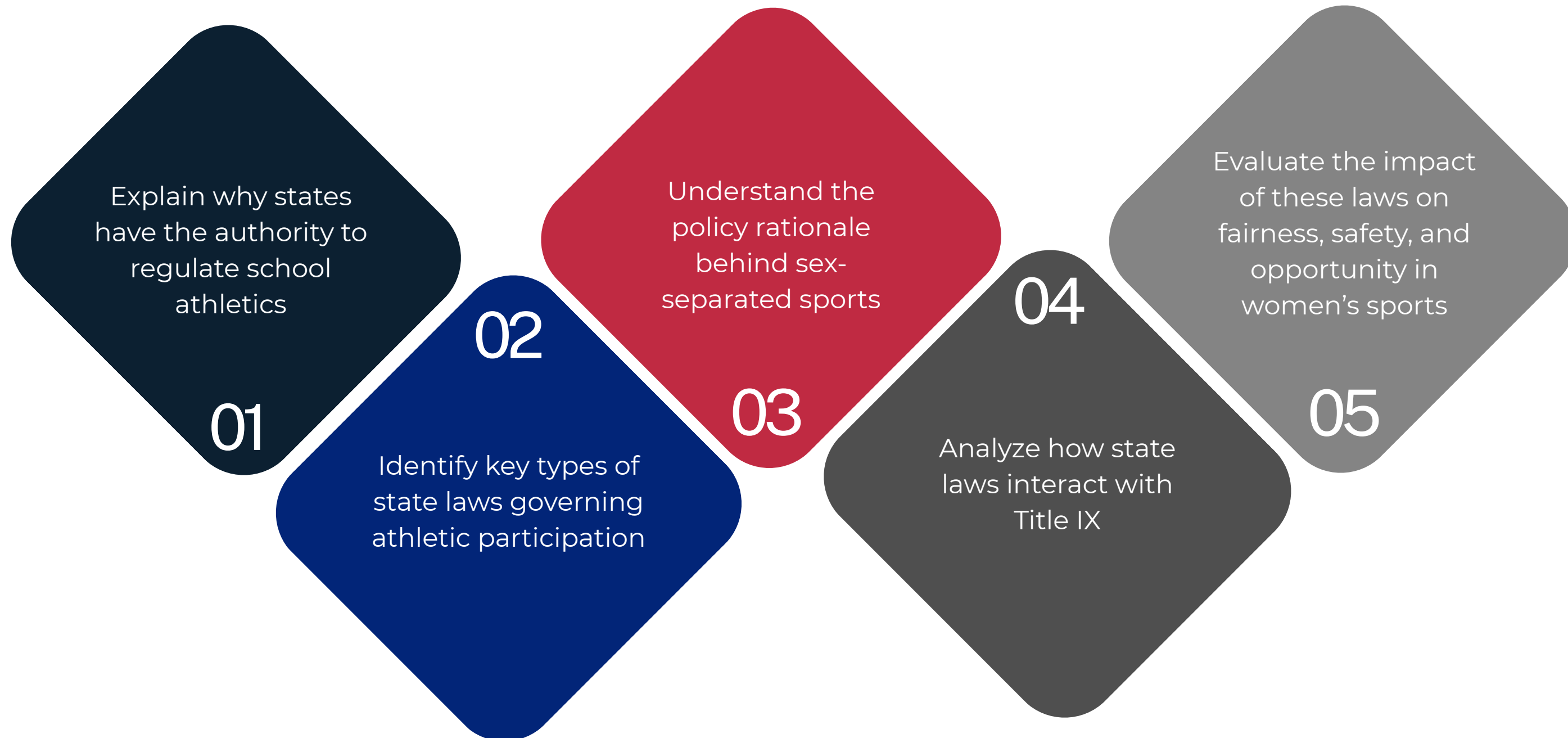
- When President Trump signed the Executive Order aimed at protecting girls' and women's sports, it was assumed that the issue would be resolved, as federal law would now prevent biological males from competing in the women's division. This should apply to universities and public high schools that receive federal funding. However, for private independent schools accredited in their respective states, the situation is different; many of these institutions do not receive federal funding.
- Despite this, we have observed that in many states, public schools continue to allow boys to compete in girls' sports, while private schools often adopt policies that align with progressive legislation permitting transgender individuals to use facilities corresponding to their identified gender. For example, in Pennsylvania's Interac League, where two of my daughters play field hockey and lacrosse, the rules regarding transgender athletes specify that an individual can compete in the sport aligned with their gender identity for each season. Consequently, if a student identifies as female in the fall, they can join the girls' soccer team. If that same student identifies as male in the spring, they may then compete on the boys' basketball team.
- Ultimately, it is up to politicians, lawmakers, and leaders in schools and athletic leagues to bravely choose to protect girls' and women's sports. Unfortunately, this struggle is formidable.
- This unit examines how state governments regulate participation in school athletics through laws addressing gender identity. Students will explore the legal authority of states, the rationale behind sex-based athletic classifications, and how these laws interact with Title IX and federal guidance.





# LEARNING OBJECTIVES

Throughout this session, you will:





# STATE LAWS GOVERNING GENDER IDENTITY IN SPORTS

States have taken different legal approaches, including:

## Sex-Based Eligibility Laws

- Require participation based on biological sex
- Typically applies to K–12 and sometimes collegiate athletics
- Aim to preserve fairness in female categories

## Association-Based Policies

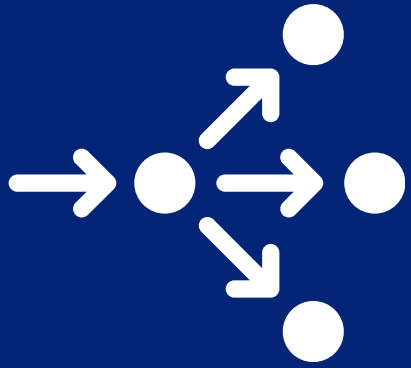
- Delegate rule-making to state athletic associations
- Often involves eligibility reviews or medical documentation

## Laws Currently Blocked or Challenged

- Some statutes are temporarily unenforced due to court orders
- Enforcement may depend on future court rulings or federal guidance



# LEGAL AND POLICY IMPLICATIONS



## State Laws Can Affect:

- Team rosters and championship qualification
- Scholarship opportunities
- Privacy and safety in locker rooms
- Long-term participation trends in girls' sports

## Ongoing Court Cases Mean:

- Laws may change
- Schools must stay informed and compliant
- Athletic administrators face evolving guidance





# **STATE LAW APPLICATION ACROSS THE UNITED STATES**



# BACKGROUND & HISTORY



Idaho was the first state to outright ban transgender student athletes from participating in school sports in 2020. In February 2020, Idaho Rep. Barbara Ehardt introduced HB 500. The bill sought to regulate eligibility for girls' and women's sports at publicly funded schools and institutions of higher education by barring transgender girls and women from participating in the women's category.

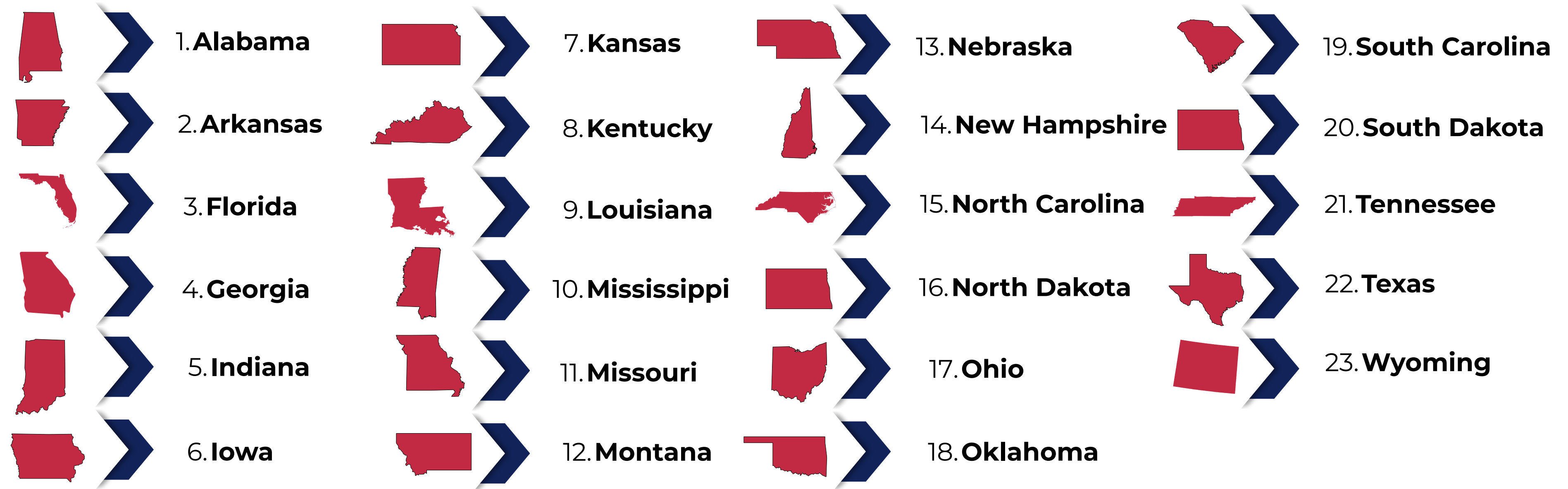
So far, 27 states have passed laws, and 2 have enacted regulations or agency policies that ban biological males who identify as female from participating in women's sports.





# STATES WITH BIOLOGICAL SEX-BASED SPORTS LAWS

States With Laws Restricting Transgender Students From Participating in School Sports That Do Not Align With Their Biological Sex





# BIOLOGICAL SEX-BASED SPORTS LAWS (BLOCKED)

States With Laws That are Blocked by Court Order Restricting Transgender Students From Participating in School Sports That Do Not Align With Their Biological Sex



1. **Arizona**



2. **Idaho**



3. **Utah**



4. **West Virginia**

This refers to states that have passed laws restricting transgender students from participating in school sports that do not align with their biological sex, but those laws are currently not being enforced because a court has blocked them, because a judge has issued an injunction or ruling that temporarily or permanently stops the law from taking effect while legal challenges are ongoing or resolved.



# STATES WITH BIOLOGICAL SEX-BASED SPORTS REGULATION

States With Regulation or Agency Restricting Transgender Students From Participating in School Sports That Do Not Align With Their Biological Sex



**1. Arizona**

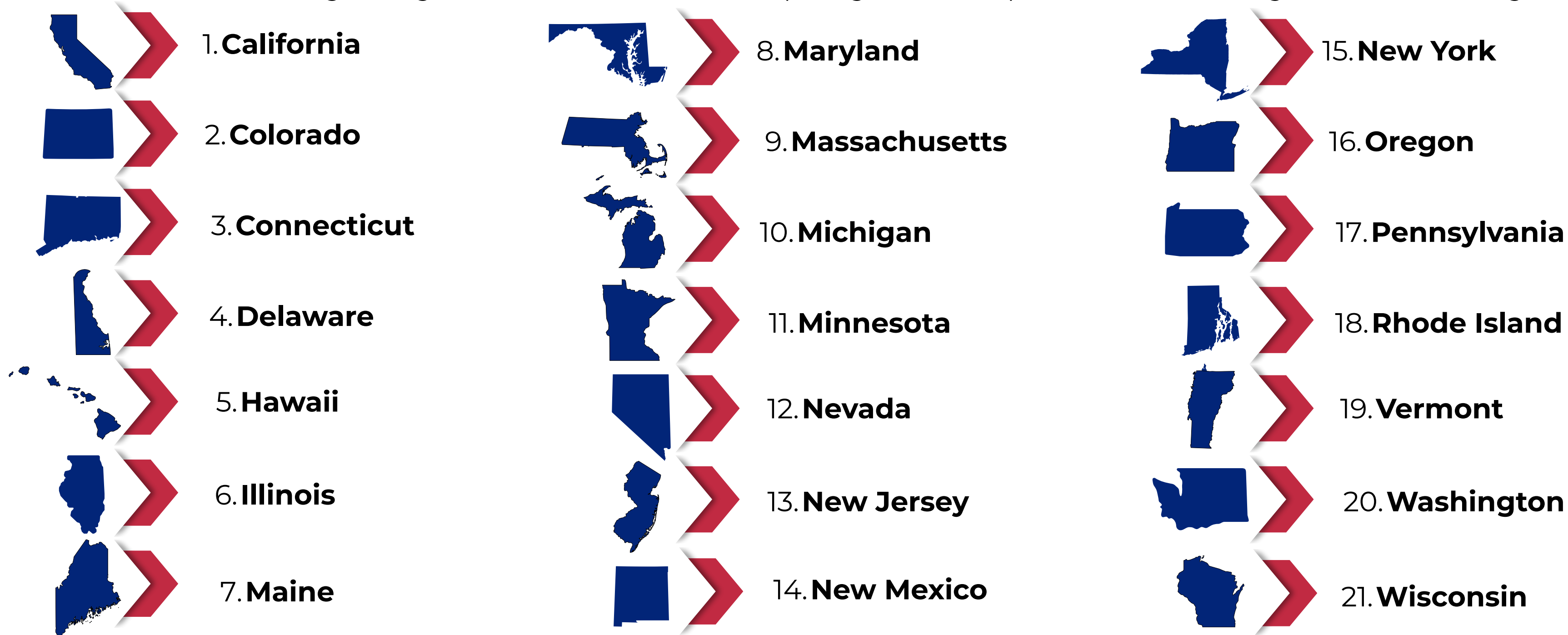


**2. Utah**



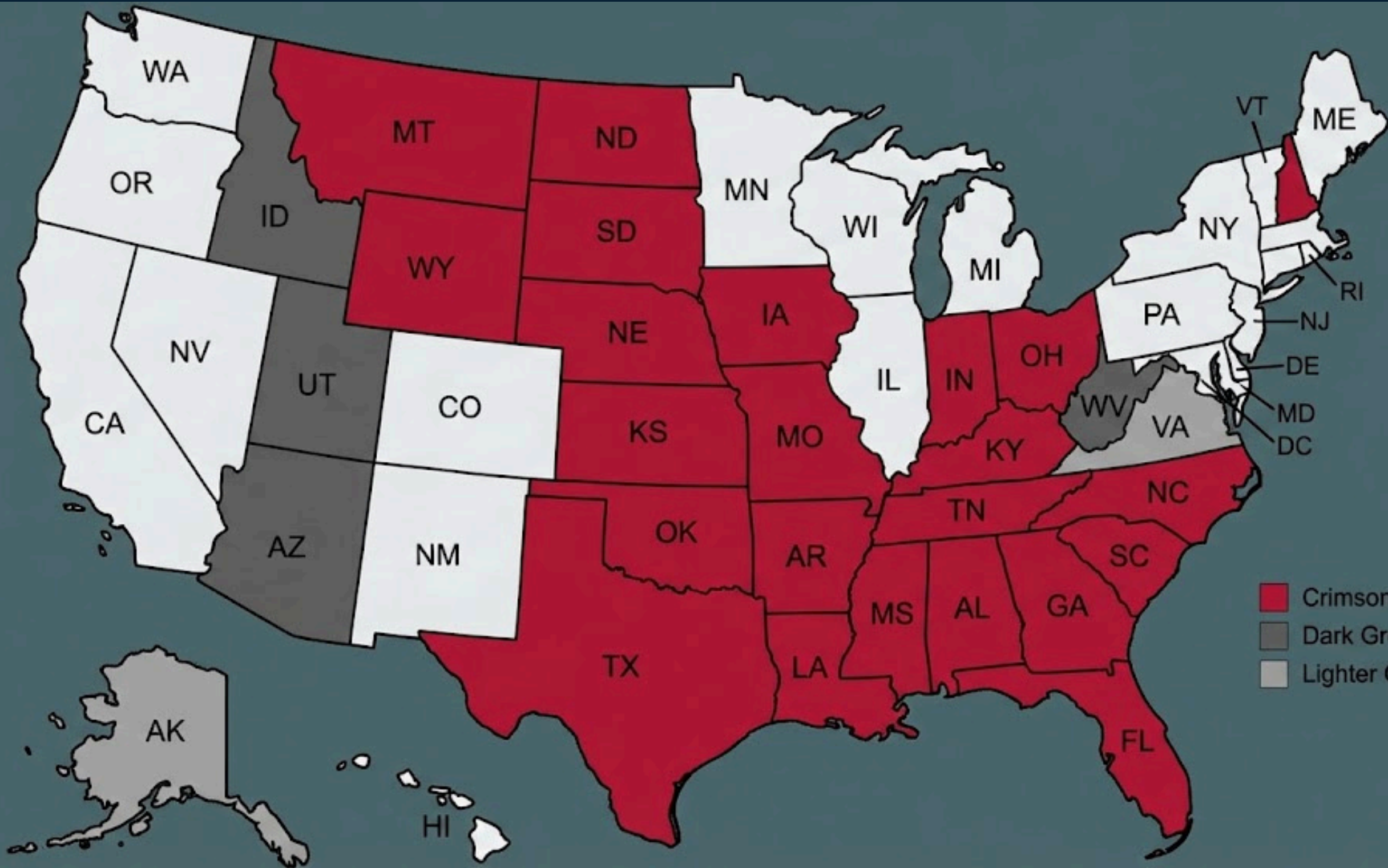
# STATES WITH NO BIOLOGICAL SEX-BASED SPORTS LAW

States With No Laws Restricting Transgender Students From Participating in School Sports That Do Not Align With Their Biological Sex





# CURRENT LAWS BY STATE



States With Biological Sex-Based Sports Laws



Biological Sex-Based Sports Laws Blocked by Court Order



States With Biological Sex-Based Sports Regulation or Agency



States With No Biological Sex-Based Sports Laws

Crimson  
Dark Grey  
Lighter Grey



# GROUP POLL



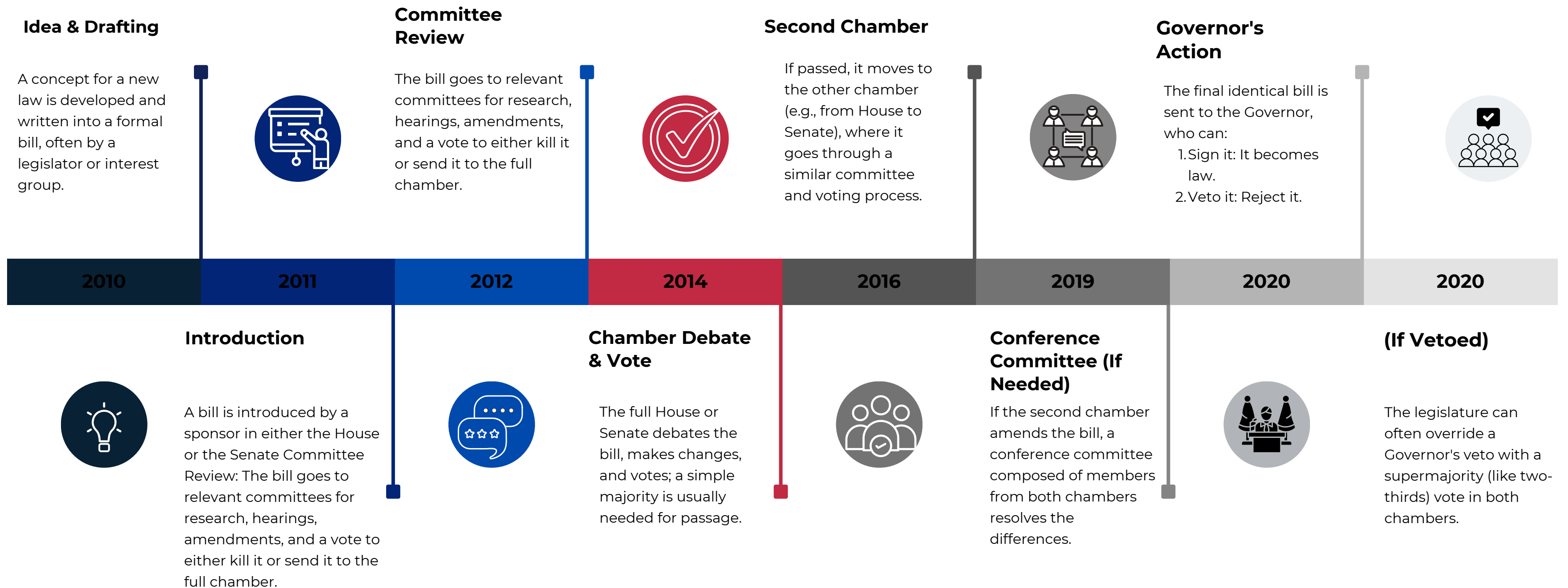
**What different priorities do you think state leaders have when they choose to either pass or reject these laws?**

**Do you think the states that haven't passed these laws prioritize different values than those that have?**





# HOW DO THESE STATE LAWS GET PASSED?





# UNIT 5 RECAP





# KEY TAKEAWAYS



## Current Scope of State Laws

Since Idaho became the first state to ban transgender athletes from sex-discordant sports in 2020, the movement has grown significantly. Currently, 27 states have passed laws and 2 have enacted regulations (Alaska and Virginia) specifically barring biological males who identify as female from competing in women's sports.



## The Public vs. Private Loophole

While federal and state laws generally target public schools and universities receiving federal funding, private independent schools often operate under different rules. Many private institutions retain progressive policies that allow students to compete on teams aligned with their current gender identity, which can change seasonally.



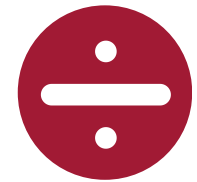
## Active Legal Challenges

The legal landscape is unsettled. Laws in four states (Arizona, Idaho, Utah, and West Virginia) are currently blocked by court orders. This indicates that while legislation is passing, enforcement is frequently halted by injunctions and ongoing litigation regarding Title IX and discrimination.



## Rationale for Restrictions

The primary policy arguments driving these sex-based eligibility laws are the preservation of fairness in female categories, safety (including privacy in locker rooms), and the protection of athletic opportunities and scholarships for biological females.



## A Divided Nation

The United States is sharply divided on this issue. While a majority of states have enacted restrictions, a significant block of states (including California, New York, and Pennsylvania) currently have no laws or regulations restricting transgender students from participating in sports that align with their gender identity.



# COMING NEXT...

- In the next unit, we will explore **two significant Supreme Court cases heard in January 2026**, and how the Court's decision, expected in the summer of that same year, will **impact state laws in the 27 states that currently protect girls' and women's sports**. We will also discuss whether the Supreme Court's ruling will influence states that do not currently have protections in place for girls' and women's sports.
- The focus on this issue has been largely driven by media coverage. The news surrounding the Supreme Court hearings in January brought to light the contrasting attitudes of politicians towards this topic. While some are willing to advocate for women, others are **cautious about taking a stance that may be unpopular with their constituents**. For instance, **Pennsylvania Governor Shapiro stated that "local sports officials should be the ones in charge of determining the participation of transgender athletes in sports," yet personally believed that trans youth should not have an unfair advantage on the playing field**. This statement left me confused, especially considering that **a bipartisan bill protecting girls' and women's sports was on his desk for approval but was ultimately denied**.
- Given that the decision has been left to local sports leagues, we now see a patchwork of regulations. **Some leagues, like the PIAA (the largest youth athletic league in Pennsylvania), adhere to federal law under Title IX, while leagues such as the Interac allow students to compete in sports aligned with their gender identity on a seasonal basis. This leads to important questions: What happens when an Interac school competes against a PIAA school?**



**Supreme Court to step into long-simmering debate over transgender athlete bans**