

EQUITY IN SCHOOL SPORTS FOR TRANSGENDER, GENDER-DIVERSE, AND INTERSEX STUDENTS

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Playing sports provides many direct and indirect benefits to young people, and these benefits must be equitably offered to all students in public schools, including transgender, nonbinary, and intersex students.¹ But in Pennsylvania, these students are instead being targeted through proposed statewide legislation, and multiple school districts are considering or implementing policies that prevent students from participating in a school sports team that aligns with their gender identity.

The foundational premise of sports ban policies – that trans girls are not “real” girls and trans boys are not “real” boys – is based on discriminatory stereotypes prohibited by Title IX and the Pennsylvania Human Relations Act (PHRA) and antithetical to the mission of public schools to provide safe environments and equitable opportunities to all students. These policies harm transgender, nonbinary, and intersex students – and other students who do not conform to sex stereotypes as well. Significantly, these policies are likely to disproportionately harm Black girls and other girls of color, who are also subjected to racist and sexist stereotypes associating “femininity” with whiteness.²

THE BENEFITS OF SCHOOL ATHLETICS MUST BE AVAILABLE TO ALL STUDENTS

Playing sports is associated with higher grades and standardized test scores, as well as higher rates of school completion.³ Athletics teaches students about teamwork, helps build leadership skills, and confers psychological benefits, such as feelings of well-being, a sense of belonging among peers, and connectedness to the school community.⁴ All students deserve equal access to these benefits. Preventing transgender, intersex,⁵ and nonbinary students from playing school sports based solely on those characteristics is a form of sex discrimination that worsens educational and mental health outcomes for these students who are already at risk due to the significant rates of in-school and out-of-school victimization they face.⁶ Research shows that when transgender and nonbinary students are allowed to play sports, they tend to receive higher grades⁷ and experience increased feelings of belonging, higher self-esteem, and lower levels of depression.⁸ These benefits are significant and in many cases are lifesaving.

THERE IS NO EVIDENCE THAT THE PARTICIPATION OF TRANS STUDENTS HARMS ANYONE

Anti-trans sports bans and restrictions do nothing to “protect girls rights” or address the actual, ongoing gender inequities in athletics.⁹ Indeed, they only heighten the risk of sex discrimination for all girls who play sports. There is no evidence that permitting transgender and intersex students to play on sports teams aligned with their gender identity harms anyone. A recent analysis of Centers

for Disease Control and Prevention data found that there was no negative impact on the participation of girls and women in school sports in states that had implemented trans-inclusive state athletics policies.¹⁰ In fact, early evidence from California and Connecticut suggests that trans-inclusive policies are correlated with increased participation of girls in school sports.¹¹ In contrast, where states enacted trans-exclusionary policies, girls' overall participation in high school sports declined.¹² Moreover, anti-trans sports bans and restrictions only codify sexist stereotypes of how girl athletes *should* look or play, which promotes body policing of any student who deviates from this ideal of femininity.

WHAT IS HAPPENING WITH SPORTS POLICIES IN PENNSYLVANIA PUBLIC SCHOOLS?

Transgender, nonbinary, and intersex students in Pennsylvania and around the country are being targeted through proposed statewide legislation and school district policies that prevent students from participating in a school sports team that aligns with their gender identity (as well as other discriminatory policies relating to bathroom and locker room access and refusal to use transgender students' name and pronouns).

In recent years, anti-LGBTQ advocates across the country, including in Pennsylvania, have introduced legislation or school policies to prohibit trans students from participating in school sports on the teams that align with their gender identity.¹³

The Pennsylvania legislature has considered multiple bills, including HB 972, HB 216, and SB 1191, that would single out transgender athletes for discrimination by denying them the ability to play on teams that align with their gender identity, but those bills did not become law.¹⁴ Similar bills may be introduced again in future legislative sessions.

At the same time, a growing number of Pennsylvania school districts have proposed or passed school board policy banning transgender students from participating in school sports that align with their gender identity.¹⁵

The discriminatory purpose of the sports ban policies is often very clear from public discussions. For example, a Red Lion School District board member commented that their anti-trans policy would affect six current students and "If we nip it in the bud now, it doesn't have to get more than six."¹⁶ Comments from the Penncrest School District board president reflected an intent to discriminate based on the "look" of students and to require a student to present their birth certificate,¹⁷ which is not permitted under state school enrollment law.¹⁸

Many districts, like Conestoga Valley School District,¹⁹ rely on a 2014 policy from the Pennsylvania Interscholastic Athletic Association, which states only that "where a student's gender is questioned or uncertain," the principal has the deciding vote on whether the student can play sports and with whom.²⁰ Such an undefined and subjective policy directive leaves students open to a wide variety of discrimination based on the personal viewpoints of their school administrators. The Pennsylvania Department of Education has failed to provide specific guidance to school districts on the rights of transgender students to participate in school sports or other access issues.

As a student at Manheim Township School District testified to her school board, these policies are not only about sports but whether a student’s identity will be honored, affirmed, and welcomed:

“These kids' lives are in your hands, my life is in your hands. ...You might think that this is just about sports but it's not. ... We're watching and we're listening and we're taking your decision to heart. You are setting a precedent for how you treat your students. And right now, I'm ashamed to be one of your students. Think about us kids and our lives.”²¹

TITLE IX AND THE PA HUMAN RELATIONS ACT REQUIRE EQUITABLE ACCESS TO SPORTS FOR TRANSGENDER, NONBINARY, AND INTERSEX STUDENTS

Students have the right to participate in school sports activities consistent with their gender identity; to deny students this right is discrimination on the basis of sex and gender identity under Title IX²² and the PHRA.²³

Federal law: Advocates nationally have challenged discriminatory sports bans as violating Title IX’s prohibition on sex discrimination. This issue is still developing in the courts, but most courts have overturned the bans where they have been challenged.²⁴

While the 2024 Title IX rule, effective August 1, 2024, does not specifically apply to sports, it states that preventing a student from participating in an education program or activity consistent with their gender identity causes more than *de minimis* harm and is prohibited by Title IX. Therefore, schools must allow students to participate in classrooms and activities consistent with their gender identity.²⁵

State law: In August 2023, a new state regulation was adopted under the PHRA which more explicitly addresses discrimination on the basis of gender identity. The PHRC has recognized that prohibitions against sex-based discrimination are “comprehensive.”²⁶ Students are protected against discrimination on the basis of sex, including “sex assigned at birth, gender identity or expression, affectional or sexual orientation, and differences in sex development.”²⁷ PHRA’s existing guidance expansively protects gender identity which is one’s “innermost concept of self as male, female, a blend of both or neither.”²⁸ Gender expression is also broadly defined as the external “appearance of one’s gender identity, usually expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.”²⁹ All gender identities and expressions, including those held by transgender students, are protected by the PHRA. This protection is also inclusive of the ways students’ understanding of these identities evolves over time.

While the PHRA regulation is clear that sex discrimination includes discrimination on the basis of gender identity and transgender status, because the regulation became effective in August 2023, there are not yet court cases or agency resolutions explaining how the new regulation will be applied to discrimination on the basis of gender identity in school sports. To learn more about this law and how to file a complaint with the PHRC, see ELC’s [Rights of LGBTQ+ and Gender-Diverse Students](#) and [How to File a Complaint to the Pennsylvania Human Relations Commission](#).

WHAT IS THE PROPOSED TITLE IX RULE FOR ATHLETICS?

In April 2023, the U.S. Department of Education proposed a new rule affirming that Title IX requires that transgender, nonbinary, and intersex students be permitted to play school sports free from discrimination.³⁰

The proposed rule makes clear that a categorical ban on trans students participating in sports consistent with their gender identity would not be permitted under Title IX.³¹ A school would only be permitted to limit a student's eligibility to participate consistent with their gender identity in rare circumstances where they satisfy a test for "each sport, level of competition, and grade or education level," requiring that any restriction must be justified on the grounds that it is "substantially related to achievement of an important educational objective,"³² and must "minimize harm" to the transgender, nonbinary, and intersex students who face additional barriers to participation (and potentially exclusion).³³

The department described several objectives that would **not** count as being substantially related to achievement of an important educational objective, including "administrative convenience" and transphobic and sexist objectives such as "communicating or codifying disapproval of a student or a student's gender identity," "excluding transgender students from sports," "requir[ing] adherence to sex stereotypes," as well as any stated objective that would be in reality "a pretext for an impermissible interest in singling out transgender students for disapproval or harm."³⁴ The proposed rule also would require that any restriction on participation consistent with gender identity "minimize harm" to the transgender, nonbinary, and intersex students who would face exclusion or additional barriers to participation.³⁵

WHEN WILL THE TITLE IX SPORTS RULES BE FINAL?

The comment period for the proposed athletics rule closed in May 2023 with over 150,000 comments submitted. The comments continue to remain under review; the proposed athletics regulations have not been published. You can review the proposed rule on athletics [here](#), view submitted comments [here](#), and find the department's fact sheet about the proposed athletics rule [here](#).

In April 2024, U.S. Department of Education issued new rules outlining schools' obligations under Title IX, including explicit protections for LGBTQ students' rights in school more generally, with no specific application to sports.³⁶ The new rules were effective Aug. 1, 2024. See more information about the 2024 rules here: [New 2024 Title IX Rule: Schools' Obligation to Ensure Freedom From Sex Discrimination](#).

DO THE CHALLENGES TO THE 2024 TITLE IX RULE IMPACT PENNSYLVANIA SCHOOLS' SPORTS POLICIES?

In summer 2024, a number of lawsuits were initiated by other states seeking to prevent the 2024 Title IX final regulations from taking effect.³⁷ Pennsylvania is not a party to any of these lawsuits challenging the 2024 final regulations. At this time, there are no "universal" injunctions that would enjoin the final regulations from taking effect nationally. Some Pennsylvania schools are subject to

a court order in the lawsuit *Kansas v. U.S. Department of Education*, which was brought by other states and the national organization Moms for Liberty.

Because the 2024 Title IX rule does not apply to school sports, the challenges and injunctions relating to that rule do not impact school sports. For more information see ELC's legal analysis, [2024 Title IX Regulations and State Anti-Discrimination Laws Continue to Protect Rights of Transgender Students](#).

IS MY SCHOOL DISTRICT'S POLICY LEGAL? WHAT SHOULD I DO IF I AM CONCERNED ABOUT MY SCHOOL DISTRICT'S POLICY?

Each policy must be analyzed individually, but the proposed Title IX rule is very clear that any categorical ban for trans students' participation aligned with their gender identity across all levels and types of sports would violate Title IX. Any policy would also have to satisfy the tests for its substantial relation to an important educational objective and its minimizing harm to any student, as well as prove the school is not relying on transphobic stereotypes. Under the proposed rule, elementary schools, middle schools, and in most cases high schools would be effectively prohibited from adopting rules that prevent trans students from participating in school sports consistent with their gender identity. However, a legal prohibition in itself does not prevent school boards from attempting to adopt discriminatory policies; school boards may and, in several cases, have already, passed discriminatory policies. Parents should continue to monitor and advocate for student rights with their school boards.

If your school limits the way transgender, nonbinary, or intersex students can play sports, contact the [Education Law Center](#) and/or [ACLU-Pennsylvania](#). For more information about sex discrimination against LGBTQ+ students in schools and how to file an agency complaint, see our [recorded webinar](#) and related [slides](#). Learn more about efforts to challenge these policies on ELC's [Inclusive Schools and Honest Education](#) webpage.

The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English learners, LGBTQ students, and children experiencing homelessness.

ELC's publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC's Helpline for information and advice – visit www.elc-pa.org/contact or call 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) – or contact another attorney of your choice.

¹ **Transgender** refers to many different kinds of people who do not identify with their expected gender role or whose gender identity does not match some or all of their biological indicators of sex other than their gender identity. A student who identifies as transgender may identify as a male, female, nonbinary, genderqueer, or some other term. **Nonbinary** is an umbrella term for people who identify as a gender that is neither entirely man nor entirely woman, or do not identify with any gender. Some people may use the term “gender fluid” or “genderqueer.” **Intersex** is an umbrella term used to refer to people who are born with or naturally develop variations in sex characteristics, such as genitals, chromosomes, hormones, and/or internal organs that may be perceived as not fitting binary definitions of male or female.

² Such stereotyping limits participation in sports. For example, one research study showed that 36% of Black transgender youth reported that they participated in at least one school sports team, compared to 40% of non-Black transgender youth, 54% of Black cisgender youth, and 59.2% of non-Black cisgender youth. J. Rhodes Perry and Shoshana K. Goldberg, *Sports Participation and Health of Black Transgender Youth*, ADVOCATES FOR YOUTH (2021), <https://www.advocatesforyouth.org/wp-content/uploads/2021/07/Black-Trans-Youth-Sports-Participation-and-Health-Policy-Brief.pdf>; Raina V. Voss et al., *Physical Inactivity and the Role of Bullying Among Gender Minority Youth Participating in the 2017 and 2019 Youth Risk Behavior Survey*, J. ADOLESCENT HEALTH (2022), <https://doi.org/10.1016/j.jadohealth.2022.08.020> (finding that transgender girls were less likely to participate in school sports and that, after adjusting for demographics, Black, Hispanic, and Asian transgender girls were significantly less likely to indicate that they participated in school sports).

³ *Title IX at 45: Advancing Opportunity through Equity in Education* 41, NAT’L COAL. FOR WOMEN AND GIRLS IN EDUC. (2017), <https://www.ncwge.org/TitleIX45/Title%20IX%20at%2045-Advancing%20Opportunity%20through%20Equity%20in%20Education.pdf>.

⁴ See, e.g., *id.* at 42; Stacy M. Warner et al., *Examining Sense of Community in Sport: Developing the Multidimensional ‘SCS’ Scale*, 27 J. OF SPORT MANAGEMENT 349, 349-50 (2013); R. Bailey, *Physical education and sport in schools: A Review of benefits and outcomes*, 76 J. OF SCHOOL HEALTH 397-401 (2006); M. R. Eime et al., *A systematic review of the psychological and social benefits of participation in sport for children and adolescents: Informing development of a conceptual model of health through sport*, 10 INT’L J. OF BEHAVIORAL NUTRITION & PHYSICAL ACTIVITY 98 (2013).

⁵ Because of the absence of inclusive data, less is known about intersex students’ experiences with school sports. However, recent reporting from the Washington Post indicates that intersex students often avoid or are discouraged from participating in sports for fear of scrutiny. See Anne Branigin, *Intersex youths are also hurt by anti-trans laws, advocates say*, WASH. POST (July 16, 2022), <https://www.washingtonpost.com/nation/2022/07/16/intersex-anti-trans-bills/>.

⁶ In a national survey of LGBTQ+ students, an alarming number of students reported being harassed because of their LGBTQ+ status, with an overwhelming majority of all students (76.1%) reporting experiencing verbal harassment on this basis, and over one-third of students (31.2%) reporting physical harassment on this basis. This hostility in turn impacts students’ academic outcomes: many students reported not having plans to finish school, with 51.5% of students reporting hostile school climate (e.g., harassment and transphobic policies) as the reason they did not plan to graduate. See *The 2021 National School Climate Survey: The Experiences of LGBTQ+ Youth in Our Nation’s Schools* 19, 34, GLSEN (2022), <https://www.glsen.org/sites/default/files/2022-10/NSCS-2021-Full-Report.pdf>.

⁷ *The Experiences of LGBT Students in School Athletics*, GLSEN (2013) <https://www.glsen.org/sites/default/files/2020-06/The%20Experiences%20of%20LGBT%20Students%20in%20Athletics.pdf>; *The Well-Being of LGBTQ Youth Athletes*, THE TREVOR PROJECT (Aug. 2020), <https://www.thetrevorproject.org/wp-content/uploads/2020/08/LGBTQ-Youth-Sports-and-Well-Being-Research-Brief.pdf>.

⁸ Russell B. Toomey & Stephen T. Russell, *An initial investigation of sexual minority youth involvement in school-based extracurricular activities*, 23 J. OF RESEARCH ON ADOLESCENCE 304, <https://doi.org/10.1111/2Fj.1532-7795.2012.00830.x>; *LGBTQ Students and School Sports Participation*, GLSEN (2021), <https://www.glsen.org/sites/default/files/2022-02/LGBTQ-Students-and-School-Sports-Participation-Research-Brief.pdf>.

⁹ It is important to understand that women and girls still lack significant opportunities to play sports as compared to men and boys, with Black and Brown women and girls being disproportionately denied opportunities to play. Evidence shows that schools still prioritize funding and resourcing men’s and boys’ teams while giving women’s and girls’ teams second-class treatment; and sexual harassment and abuse of student athletes still persists. *Chasing Equity: The Triumphs, Challenges, and Opportunities in Sports for Girls and Women*, WOMEN’S SPORTS FOUNDATION (2020), https://www.womenssportsfoundation.org/articles_and_report/chasing-equity-the-triumphs-challenges-and-opportunities-in-sports-for-girls-and-women; *Finishing Last: Girls of Color and School Sports Opportunities* 1, NAT’L WOMEN’S L. CTR. (2015), <https://nwlc.org/resources/finishing-last>; Dean Golembeski, *Gender Equality Remains Elusive in College Sports*, BEST COLLEGES (Nov. 10, 2021), <https://www.bestcolleges.com/news/2021/07/01/gender-equality-remains-elusive-in-college-sports/>.

¹⁰ Shoshana K. Goldberg, *Fair Play: The Importance of Sports Participation for Transgender Youth 14-16*, CTR. FOR AM. PROGRESS (February 8, 2021), <https://www.americanprogress.org/issues/lgbtq-rights/reports/2021/02/08/495502/fair->

play. Florida and South Carolina have since passed anti-trans youth athlete laws; however, these were not implemented at the time of this analysis and would not affect the findings of this study. See GLSEN and TransAthlete.com, *Navigators: Trans and Nonbinary Athletic Inclusion Policies* (2022), <https://maps.glsen.org/trans-and-nonbinary-athletic-inclusion-policies/>.

¹¹ Shoshana K. Goldberg, *Fair Play: The Importance of Sports Participation for Transgender Youth 14-16*, CTR. FOR AM. PROGRESS (February 8, 2021), <https://www.americanprogress.org/issues/lgbtq-rights/reports/2021/02/08/495502/fair-play>.

¹² *Id.* at 14-15.

¹³ See *Legislation Affecting LGBTQ Rights Across the Country*, ACLU, <https://www.aclu.org/legislation-affecting-lgbtq-rights-across-country>; *Bans on Transgender Youth Participation in Sports*, MOVEMENT ADVANCEMENT PROJECT, https://www.lgbtmap.org/equality-maps/youth/sports_participation_bans.

¹⁴ See e.g., Gov. Tom Wolf, *Gov. Wolf Vetoes Discriminatory Transphobic Legislation* (July 8, 2022); “Fairness in Women’s Sports Act”, 2021 PA HB972 (2022), <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2021&sind=0&body=H&type=B&bn=972>.

¹⁵ See, e.g., Chris Ullery, *As Dover considers pronoun policy, ties emerge between ILC and firm suing district*, YORK DAILY RECORD, May 22, 2024, https://www.ydr.com/story/news/local/2024/05/21/firm-suing-dover-area-over-policy-may-have-ties-to-firm-writing-new-rules-york-county/73748058007/?fbclid=IwZXh0bgNhZW0CMTEAAR2uZY08CjyZf8Q3A7Yzmt1zW-fye80lkQ4NfjUFABoGGbrN1IJ7M6SL8JE_aem_AXSBEun8yIlfRPUPn22bX5mzZFKR62xT5Aa1ppd_uHjqNMm5CIWZDbILiYutrztTNE7tZsCplpo2Q2jYIIPNTJxr#wgfi1c2k9uktqr81m (reporting athletics policy adopted or considered by several districts including Penncrest, Pennridge, Central Bucks, Hempfield, Dover Area).

¹⁶ *Id.*

¹⁷ See *Penncrest board enacts book ban with one policy, targets transgender athletes with another*, Jan. 14, 2023, <https://www.goerie.com/story/news/education/2023/01/14/penncrest-school-board-pa-book-ban-and-policy-targeting-transgender-student-athletes/69805245007/>.

¹⁸ See *Student Enrollment FAQ*, PA. DEP’T OF EDUC., <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/EnrollmentStudentsFAQ.aspx> (“For example, a school district can never demand only one kind of document, for example a birth certificate, to prove age.”)

¹⁹ Conestoga Valley School District, *Policy 123 Interscholastic Athletics* (May 20, 2019), <http://go.boarddocs.com/pa/conestoga/Board.nsf/goto?open&id=BAU8DL6E7329>; *Conestoga Valley athletics policy will not include specific language regarding transgender athletes, defers to PIAA*, LANCASTER ONLINE, Mar. 16, 2023, https://lancasteronline.com/news/regional/conestoga-valley-athletics-policy-will-not-include-specific-language-regarding-transgender-athletes-defers-to-piaa/article_79bd4654-c367-11ed-843f-c39ab0d984bc.html.

²⁰ Pennsylvania Interscholastic Athletic Assoc., Inc., *News Release June 20, 2014: Article XVI Seasons and Out-of-Seasons Rules and Regulations*, <http://district5.piaa.org/news/mixed%20gender%20press%20release%20-%20announcement%206-20-14.pdf>

²¹ *Manheim Township School District tables discussion, research on transgender athlete participation*, LANCASTER ONLINE, Oct. 13, 2022, https://lancasteronline.com/news/local/manheim-township-school-district-tables-discussion-research-on-transgender-athlete-participation/article_185bc520-4b71-11ed-808f-27d27ce6ca8c.html

²² See *B.P.J. by Jackson v. W. Virginia State Bd. of Educ.*, 98 F.4th 542 (4th Cir. 2024) (held that the district court erred in granting summary judgment to defendants on an equal protection claim brought by a transgender girl, finding that applying the West Virginia Save Women’s Sports Act to the plaintiff would violate Title IX, as it treated her worse than similarly situated individuals based on sex and caused her harm).

²³ See *Protected Classes Under the PHRA and PFOA*, 16 PA. CODE § 41.201-41.207 (effective Aug. 16, 2023), <https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol53/53-24/788.html> (final regulations defining terms related to sex, sexual orientation, and gender identity used in the PHRA and PFOA).

²⁴ See, e.g., *Hecox v. Little*, 79 F.4th 1009 (9th Cir. 2023) (Idaho statute which categorically banned transgender women and girls from participating in student athletics and subjected all female athletes to intrusive sex verification process “likely” violated Equal Protection Clause and Title IX and hence enforcement of the Act was properly enjoined), *Hecox v. Little*, 104 F.4th 1061 (9th Cir. 2024) (affirming likelihood of success on Equal Protection claims; remanded to clarify scope of preliminary injunction); *B.P.J. by Jackson v. W. Virginia State Bd. of Educ.*, 98 F.4th 542 (4th Cir. 2024) (state law restricting trans girl from participating on girls teams violated Title IX); *Doe v. Horne*, 2023 WL 4661831, at *1 (D. Ariz. July 20, 2023) (granting a preliminary injunction against Arizona’s transgender sports ban under the Equal Protection Clause and Title IX); *A.M. v. Indianapolis Pub. Sch.*, 617 F.Supp. 3d 950, 966 (S.D. Ind. 2022) (granting preliminary injunction for trans student denied access to girls sports team because “[t]he singling out of transgender females is unequivocally discrimination on the basis of sex, regardless of the policy argument as to why that choice was made.”), *vacated for mootness*, 2023 WL 11852464 (S.D.Ind. Jan. 19, 2023).

²⁵ 34 C.F.R. § 106.31 (effective Aug. 1, 2024); 89 F.R. 33474, 33818 (Apr. 29, 2024).

²⁶ Protected Classes Under the PHRA and PFEOA, Regulation #52-13, at 2 (adopted Dec. 8, 2022) (to be codified at 16 PA. CODE ch. 41.201-41.207), <http://www.irrc.state.pa.us/regulations/RegSrchRslts.cfm?ID=3350>.

²⁷ *Id.*

²⁸ Pennsylvania Human Relations Commission, *Guidance on Discrimination on the Basis of Sex Under the Pennsylvania Human Relations Act 3* (Mar. 3, 2021),

<https://www.phrc.pa.gov/AboutUs/Documents/APPROVED%20Sex%20Discrimination%20Guidance%20PHRA.pdf>.

²⁹ *Id.*

³⁰ U.S. Dep't of Educ., *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance: Sex-Related Eligibility Criteria for Male and Female Athletic Teams*, Federal Register 88, no. 71 (Apr. 13, 2023), <https://www.federalregister.gov/documents/2023/04/13/2023-07601/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>

³¹ *Id.* at 22873.

³² *Id.* at 22891.

³³ *Id.*

³⁴ *Id.* at 22872.

³⁵ *Id.* at 22891.

³⁶ U.S. Department of Education Releases Final Title IX Regulations, Providing Vital Protections Against Sex Discrimination, U.S. DEP'T OF EDUC., <https://www.ed.gov/news/press-releases/us-department-education-releases-final-title-ix-regulations-providing-vital-protections-against-sex-discrimination><https://www.ed.gov/news/press-releases/us-department-education-releases-final-title-ix-regulations-providing-vital-protections-against-sex-discrimination>.

³⁷ See *Which States Have Sued to Stop Biden's Title IX Rule?* EDWEEK, updated August 01, 2024,

<https://www.edweek.org/policy-politics/which-states-have-sued-to-stop-bidens-title-ix-rule/2024/07#:~:text=Legal%20challenges%20to%20Biden's%20Title%20IX%20rule%20and%20their%20status&text=The%20lawsuits%20all%20take%20issue,to%20be%20included%20in%20regulation>.