

Overview: The U.S. Supreme Court's decision in *West Virginia v. B.P.J.* does not require Pennsylvania schools to ban transgender students from participating in sports. Pennsylvania has no statewide law requiring school districts to adopt exclusionary athletic policies. School boards can—and should—continue to support inclusive athletic programs.

The Supreme Court Decision does not change Pennsylvania Law

- The Supreme Court's decision allows - not requires - states to enact bans on transgender students from participating in sports.
- Pennsylvania has no law prohibiting transgender students from participating in school sports consistent with their gender identity. Schools remain free to maintain inclusive athletic policies.
- Discriminating against someone because they are transgender is prohibited sex discrimination under the [Pennsylvania Human Relations Act](#) and the Pennsylvania Human Rights Commission's [discrimination guidelines](#).
- School districts should continue fostering welcoming and inclusive athletic programs that allow every student to participate, learn, and thrive.

For School Administrators:

Inclusive athletic policies remain an option. *B.P.J.* does not require Pennsylvania schools to adopt exclusionary athletic policies. Districts should continue allowing transgender students to participate in athletics consistent with their gender identity. Inclusive athletic policies advance the goals schools already have: fostering belonging, teamwork, dedication, physical activity and a safe and supportive school environment.

Exclusionary policies create significant practical and privacy concerns. Policies excluding transgender athletes require schools to determine who is sufficiently “female” or “male” to participate. In practice, enforcement can create pressure to obtain or review highly sensitive information including birth certificates; medical records; information about students anatomy or hormones; and other private medical and personal information. Districts should carefully consider whether they are prepared to administer policies that may require intrusive investigations into students’ bodies and medical histories.

Exclusionary policies can affect the broader school community.

Across the country, policies restricting transgender students' participation have raised concerns about:

- Girls being questioned about their bodies;
- Requests for private medical information;
- Investigations based on appearance alone; and
- Increased scrutiny and harassment of girls who do not conform to traditional gender stereotypes

Black girls and girls with naturally athletic builds have been disproportionately subjected to this type of scrutiny. Policies that target one group of students can also undermine broader efforts to create safe and supportive school climates by normalizing suspicion, policing students' gender expression and inviting peer harassment.

For Students:

Transgender students should not assume that B.P.J. means they are banned from sports.

The Supreme Court's decision does not prohibit transgender students from participating in school sports. Because Pennsylvania does not have a statewide athletic ban, students should look into their individual school district's policies and rules governing their athletic program. Transgender students should be able to participate in athletics for the same reasons as their peers: to have fun, stay active, build friendships, develop perseverance and team work, and be part of their school community.

If a school adopts an exclusionary policy, students can:

- Request a copy of the policy;
- Ask how the policy will be enforced;
- Ask what information students will be required to provide;
- Raise concerns about privacy and harassment;
- Ask whether the school district will offer inclusive alternatives, such as co-ed intramural sports.

For Advocates:

Advocates can use *B.P.J.* as an opportunity to remind the school boards and administrators that they have a choice: Pennsylvania schools are not required to exclude transgender students from athletics.

Sports participation is about more than competition. Athletics can particularly be important to students who feel isolated or marginalized. Participation can provide community friendships and a sense of belonging.

Excluding transgender students from sports can therefore affect much more than their ability to compete. Students may lose access to leadership opportunities, scholarships, college recruitment and other benefits associated with athletic participation.

Questions Advocates Can Ask Board Members

- What evidence demonstrates that this policy is necessary?
- How will this policy be enforced?
- Is excluding students from extracurricular activities consistent with this district's mission and values?
- How many students in our district would actually be affected?
- Has the district consulted with affected students and families?
- What impact assessment has been conducted regarding student mental health?
- Will students be asked to provide medical records?
- What safeguards exist to prevent harassment of cisgender girls who are perceived as "not feminine enough"?
- How much will implementation and potential litigation cost taxpayers?