

Nos. 24-38, 24-43

IN THE
Supreme Court of the United States

BRADLEY LITTLE, Governor of Idaho, et al.,
Petitioners,

v.

LINDSAY HECOX, et al.,
Respondents.

State of WEST VIRGINIA, et al.,
Petitioners,

v.

B. P. J., By Her Next Friend and Mother, HEATHER JACKSON,
Respondent.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURTS OF APPEALS
FOR THE FOURTH AND NINTH CIRCUITS

**BRIEF FOR STATES OF NEW YORK, HAWAII,
CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE,
ILLINOIS, MAINE, MARYLAND, MASSACHUSETTS,
MINNESOTA, OREGON, RHODE ISLAND, VERMONT, AND
WASHINGTON, AND THE DISTRICT OF COLUMBIA AS
AMICI CURIAE IN SUPPORT OF RESPONDENTS**

ANNE E. LOPEZ

Attorney General

State of Hawai'i

KALIKO'ONĀLANI D.

FERNANDES

Solicitor General

LAUREN K. CHUN

ANDREW Z.M. TEOH

Deputy Solicitors General

425 Queen Street

Honolulu, Hawai'i 96813

LETITIA JAMES

Attorney General

State of New York

BARBARA D. UNDERWOOD*

Solicitor General

JUDITH N. VALE

Deputy Solicitor General

MARK S. GRUBE

Senior Assistant

Solicitor General

28 Liberty Street

New York, New York 10005

(212) 416-8016

barbara.underwood@ag.ny.gov

**Counsel of Record*

(Counsel listing continues on signature pages.)

TABLE OF CONTENTS

	Page
Table of Authorities	ii
Interests of Amici States.....	1
Summary of Argument.....	3
Argument.....	4
I. Protecting Transgender People from Discrimination Confers Wide Societal Benefits Without Reducing Opportunities for Others.	4
A. Transgender Youth Face Pervasive and Harmful Discrimination That Causes Them Serious Health and Academic Harms.	6
B. The Amici States’ Experiences Confirm That Protecting Transgender People from Discrimination Yields Broad Benefits.	9
II. Federal Law Prohibits the Sex and Gender- Identity Discrimination That the Challenged Statutes Require.....	14
A. The Equal Protection Clause Prohibits the Sex and Gender-Identity Discrimination Effectuated by the Challenged Statutes.....	15
B. Title IX Prohibits the Sex and Gender- Identity Discrimination Imposed by the Challenged Statutes.....	24
III. At a Minimum, States Retain Discretion to Promote Inclusion of Transgender Students.	28
Conclusion.....	32

TABLE OF AUTHORITIES

Cases	Page(s)
<i>A.C. ex rel. M.C. v. Metropolitan Sch. Dist.</i> , 75 F.4th 760 (7th Cir. 2023).....	26, 28
<i>A.M. ex rel. E.M. v. Indianapolis Pub. Schs.</i> , No. 22-cv-1075, 2022 WL 2951430 (S.D. Ind. July 26, 2022).....	30
<i>Adams ex rel. Kasper v. School Bd. of St. Johns Cnty.</i> , 57 F.4th 791 (11th Cir. 2022)	26
<i>Bednar v. Nebraska Sch. Activities Ass’n</i> , 531 F.2d 922 (8th Cir. 1976)	30
<i>Biediger v. Quinnipiac Univ.</i> , 691 F.3d 85 (2d Cir. 2012)	30
<i>Bostock v. Clayton County</i> , 590 U.S. 644 (2020).....	5, 25
<i>Brown v. Board of Educ.</i> , 347 U.S. 483 (1954).....	10
<i>City of Cleburne v. Cleburne Living Ctr.</i> , 473 U.S. 432 (1985)	15
<i>D.M. v. Minnesota State High Sch. League</i> , 917 F.3d 994 (8th Cir. 2019)	30
<i>Dodds v. United States Dep’t of Educ.</i> , 845 F.3d 217 (6th Cir. 2016)	26, 29
<i>Doe ex rel. Doe v. Boyertown Area Sch. Dist.</i> , 897 F.3d 518 (3d Cir. 2018)	26, 29
<i>Grimm v. Gloucester Cnty. Sch. Bd.</i> , 972 F.3d 586 (4th Cir. 2020)	21, 26, 29
<i>Mansourian v. Regents of the Univ. of Cal.</i> , 602 F.3d 957 (9th Cir. 2010)	30
<i>Nguyen v. Immigration & Naturalization Serv.</i> , 533 U.S. 53 (2001).....	15

Cases	Page(s)
<i>Parents for Privacy v. Barr</i> , 949 F.3d 1210 (9th Cir. 2020)	26, 29
<i>Tennessee v. Department of Educ.</i> , 104 F.4th 577 (6th Cir. 2024)	29
<i>United States v. Skrmetti</i> , 605 U.S. 495 (2025)	27-28
<i>Whitaker ex rel. Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.</i> , 858 F.3d 1034 (7th Cir. 2017)	26, 29
 Laws	
20 U.S.C. § 1681.....	24
Cal. Educ. Code § 221.5.....	11
Conn. Gen. Stat. § 10-15c.....	10
D.C. Code	
§ 2-1402.41.....	10
§ 38-841.02.....	10
Idaho Code § 33-6203	1, 14, 17
Mass. Gen. Laws ch. 76, § 5.....	11
Minn. Stat. § 363A.13.....	10
N.Y. Educ. Law	
§ 11	11
§ 12	11
16 Pa. Code § 41.206.....	5
Wash. Rev. Code Ann. § 28A.642.010.....	10
West Virginia Code § 18-2-25d.....	1, 14, 19

Regulations	Page(s)
34 C.F.R. § 106.41	24, 25, 29, 30
Del. Admin. Code § 1024	20
D.C. Mun. Regs. tit. 5-F, § 102.6	10
Mass. Code Regs. 26.06	11
 Miscellaneous Authorities	
Albuquerque Pub. Schs., PJ30, <i>Non-Discrimination for Students: Gender Identity and Expression</i> (May 2016), https://www.aps.edu/about-us/policies-and-procedures/procedural-directives/j.-students/non-discrimination-for-students-gender-identity-and-expression	21
American Psych. Ass'n, <i>Guidelines for Psychological Practice with Transgender and Gender Nonconforming People</i> , 70 Am. Psych. 832 (2015), https://www.apa.org/practice/guidelines/transgender.pdf	4
American Psych. Ass'n, <i>Understanding Transgender People, Gender Identity and Gender Expression</i> (last updated July 8, 2024), https://www.apa.org/topics/lgbtq/transgender-people-gender-identity-gender-expression	4
Ancheta, April J., et al., <i>The Impact of Positive School Climate on Suicidality and Mental Health Among LGBTQ Adolescents: A Systematic Review</i> , 37 J. Sch. Nurs. 75 (2021), https://doi.org/10.1177/1059840520970847	8

Miscellaneous Authorities	Page(s)
Barrera, Ellis, et al., <i>The Medical Implications of Banning Transgender Youth from Sport Participation</i> , 176 JAMA Pediatr. 223 (2022); Open access: https://lgbtquequity.org/wp-content/uploads/2021/12/The-Medical-Implications-of-Banning-Transgender-Youth-from-Sports-Participation.pdf	12
Burns, Ryan D., et al., <i>Sports Participation Correlates with Academic Achievement: Results from a Large Adolescent Sample Within the 2017 U.S. National Youth Risk Behavior Survey</i> , 127 Percept. & Mot. Skills 448 (2020), Open access: https://tinyurl.com/Burns-Sports-Participation	11
California Interscholastic Fed'n, <i>Constitution & Bylaws 2025-26</i> (2025), https://cifstate.org/governance/constitution/Constitution and Bylaws.pdf	20
Chan, Alex Siu Wing, et al., <i>Societal Discrimination and Mental Health Among Transgender Athletes: A Systematic Review and Meta-Analysis</i> , 12 BMC Pysch. art. 24 (2024), https://bmcpyschology.biomedcentral.com/article/s/10.1186/s40359-023-01493-9	13
Chiasson, Judy, <i>Success and Opportunity for Transgender Students</i> , HuffPost.com (updated Feb. 2, 2016), https://perma.cc/E7VF-PSWR	22
Clark, Caitlin M., and Joseph G. Kosciw, <i>Engaged or Excluded: LGBTQ Youth's Participation in School Sports and Their Relationship to Psychological Well-Being</i> , 59 Psych. Schs. 95 (2022), https://onlinelibrary.wiley.com/doi/epdf/10.1002/pits.22500	12-13

Miscellaneous Authorities	Page(s)
Clark, Caitlin M., et al., GLSEN, <i>LGBTQ Students and School Sports Participation</i> (2021), https://www.glsen.org/sites/default/files/2022-02/LGBTQ-Students-and-School-Sports-Participation-Research-Brief.pdf	12-13
Colorado High Sch. Activities Ass’n, <i>Constitution & Bylaws, 2025-26</i> (2025), https://docs.google.com/document/d/1-wCHCb3a08XDl8FkBAtpE0uuccyWn9yv4oL7bUO-7E	20
Crary, David, and Lindsay Whitehurst, <i>Lawmakers Can’t Cite Local Examples of Trans Girls in Sports</i> , APNews.com (Mar. 3, 2021), https://perma.cc/TX4N-H262	23
GLSEN, <i>Improving School Climate for Transgender and Nonbinary Youth: Research Brief</i> (2021), https://www.glsen.org/sites/default/files/2021-11/GLSEN_Trans%26Nonbinary_ResearchBrief.pdf	6
Goldberg, Shoshana K., Ctr. for Am. Progress, <i>Fair Play: The Importance of Sports Participation for Transgender Youth</i> (Feb. 2021), https://www.americanprogress.org/wp-content/uploads/sites/2/2021/02/Fair-Play-correction2.pdf	22
Greenspan, Scott B., et al., <i>LGBTQ+ Youth’s Experiences and Engagement in Physical Activity: A Comprehensive Content Analysis</i> , 4 Adolesc. Rsch. Rev. 169 (2019); Open access: https://shine.lab.uconn.edu/wp-content/uploads/sites/3321/2021/06/greenspan_et_al_2019.pdf	12

Miscellaneous Authorities	Page(s)
Greytak, Emily A., et al., GLSEN, <i>Harsh Realities: The Experiences of Transgender Youth in Our Nation's Schools</i> (2009), https://files.eric.ed.gov/fulltext/ED505687.pdf	6, 9
Handelsman, David J., et al., <i>Circulating Testosterone as the Hormonal Basis of Sex Differences in Athletic Performance</i> , 39 <i>Endocr. Revs.</i> 803 (2018), https://academic.oup.com/edrv/article-pdf/39/5/803/27987311/er.2018-00020.pdf	16-17
Handelsman, David J., <i>Sex Differences in Athletic Performance Emerge Coinciding with the Onset of Male Puberty</i> , 87 <i>Clin. Endocrinol.</i> 68 (2017), https://onlinelibrary.wiley.com/doi/epdf/10.1111/cen.13350	16-17
Herman, Jody L., and Andrew R. Flores, Williams Inst., <i>How Many Adults and Youth Identify as Transgender in the United States?</i> (2025), https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Pop-Update-Aug-2025.pdf	4
Hughes, Landon D., et al., <i>Pediatric Provider Perspectives on Laws and Policies Impacting Sports Participation for Transgender Youth</i> , 9 <i>LGBT Health</i> 247 (2022), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9271330/pdf/lgbt.2021.0392.pdf	12-13
James, Sandy E., et al., Nat'l Ctr. for Transgender Equal., <i>Early Insights: A Report of the 2022 U.S. Transgender Survey</i> (2024), https://transequality.org/sites/default/files/2024-02/2022 USTS Early Insights Report FINAL.pdf	6

Miscellaneous Authorities	Page(s)
James, Sandy E., et al., Nat'l Ctr. for Transgender Equal., <i>The Report of the 2015 U.S. Transgender Survey</i> (2016), https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf	7-8
Johns, Michelle M., et al., <i>Transgender Identity and Experiences of Violence Victimization, Substance Use, Suicide Risk, and Sexual Risk Behaviors Among High School Students – 19 States and Large Urban School Districts, 2017</i> , 68 MMWR Morb. & Mortal. Wkly. Rep. 67 (2019), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6348759/pdf/mm6803a3.pdf	6
Kansas Hum. Rts. Comm'n, <i>Guidance from the Kansas Human Rights Commission on Sex Discrimination in Employment, Public Accommodations, and Housing</i> (Sept. 18, 2020), http://www.khrc.net/pdf/KHRC Guidance on Sex Discrimination in Employment, Public Accommodations, and Housing on letterhead rev dwh.pdf	5
Kosciw, Joseph G., et al., GLSEN, <i>The 2021 National School Climate Survey: The Experiences of LGBTQ+ Youth in Our Nation's Schools</i> (2022), https://www.glsen.org/sites/default/files/2022-10/NSCS-2021-Full-Report.pdf	6-9, 13
Los Angeles Unified Sch. Dist., BUL-2521.4, <i>Title IX Policy/Nondiscrimination Complaint Procedures (Including for Sex Discrimination and Sexual Harassment)</i> (Sept. 25, 2023), https://www.lausd.org/cms/lib/CA01000043/Centricity/Domain/383/BUL-2521.4%20.pdf	21

Miscellaneous Authorities	Page(s)
Maryland Pub. Secondary Schs. Athletic Ass'n, <i>MPSSAA Guidance for Participation of Transgender Youth in Interscholastic Athletics</i> (Aug. 2016), https://mpia.hcpss.org/sites/default/files/2023-06/MPSSAA Transgender Guidance revised 8.16 %281%29.pdf	20
Massachusetts Interscholastic Athletic Ass'n, <i>Handbook, July 1, 2025-June 30, 2027</i> (2025), https://www.miaa.net/sites/default/files/2025-06/miaa-handbook-25-27.pdf	20
Michigan Bd. of Educ., <i>Statement and Guidance on Safe and Supportive Learning Environments for Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) Students</i> (Sept. 14, 2016), https://www.michigan.gov/documents/mde/SBE StatementonLGBTQYouth 534576 7.pdf	10
Minikel-Lacocque, Julie, <i>Liars, Cheaters, and Short-Haired Girls: Gender Identity Denial of Young Athletes</i> , 28 <i>Women in Sport & Phys. Act.</i> <i>J.</i> 140 (2020), https://journals.humankinetics.com/downloadpd f/view/journals/wspaj/28/2/article-p140.pdf	19
Minnesota Dep't of Educ., <i>A Toolkit for Ensuring Safe and Supportive Schools for Transgender and Gender Nonconforming Students</i> (Sept. 25, 2017), https://education.mn.gov/mdeprod/ ideplg?IdcService=GET FILE&dDocName=MD E072543&RevisionSelectionMethod=latestRelea sed&Rendition=primary	10

Miscellaneous Authorities	Page(s)
Minnesota State High Sch. League, <i>Official Handbook, 2025-2026</i> (2025), https://www.mshsl.org/sites/default/files/2025-07/mshsl-handbook-300-series.pdf	20
Movement Advancement Project, <i>Local Nondiscrimination Ordinances</i> (last updated Apr. 1, 2025), https://www.lgbtmap.org/equality-maps/non-discrimination-ordinances	5
Nath, R., et al., The Trevor Project, <i>2024 U.S. National Survey on the Mental Health of LGBTQ+ Young People</i> (2024), https://www.thetrevorproject.org/survey-2024/assets/static/TTP_2024_National_Survey.pdf	7-8
New Jersey Dep't of Educ., <i>Transgender Student Guidance for School Districts</i> (Sept. 2018), https://www.nj.gov/education/safety/sandp/climate/docs/Guidance.pdf	10
New Jersey. Off. of Att'y Gen., <i>5 Things You Should Know About LGBTQ+ Student Rights in Schools</i> (June 15, 2022), https://www.njoag.gov/wp-content/uploads/2022/06/fact_LGBTQ-School-Students.pdf	10
New Jersey State Interscholastic Athletic Ass'n, <i>Transgender Policy - Frequently Asked Questions</i> (June 8, 2022), https://www.njsiaa.org/schools/transgender-information	21

Miscellaneous Authorities	Page(s)
New York State Educ. Dep't, <i>Creating a Safe, Supportive, and Affirming School Environment for Transgender and Gender Expansive Students: 2023 Legal Update and Best Practices</i> (2023), https://www.nysed.gov/sites/default/files/program/s/student-support-services/creating-a-safe-supportive-and-affirming-school-environment-for-transgender-and-gender-expansive-students.pdf	11
New York State Pub. High Sch. Athletic Ass'n, <i>Handbook</i> (Aug. 2025), https://nysphsaa.org/documents/2023/8/21/NYSP_HSAA_Handbook_Aug_2025.pdf	21
Office of Elementary & Secondary Educ., U.S. Dep't of Educ., <i>Safe & Supportive Schools</i> (last updated Jan. 14, 2025), https://perma.cc/N6S9-8CBG	9
Olson, Kristina R., et al., <i>Mental Health of Transgender Children Who Are Supported in Their Identities</i> , 137 <i>Pediatrics</i> e20153223 (Mar. 2015), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4771131/pdf/PEDS_20153223.pdf	9
Oregon Sch. Activities Ass'n, <i>2025-2026 Oregon School Activities Association Handbook</i> (2025), https://www.osaa.org/docs/handbooks/osaahandbook.pdf	21
Patrick McGreevy, <i>California Transgender Students Given Access to Opposite-Sex Programs</i> , L.A. Times (Aug. 12, 2013), https://perma.cc/9SSJ-G3SB	21

Miscellaneous Authorities	Page(s)
Snyder, Alison R., et al., <i>Health-Related Quality of Life Differs Between Adolescent Athletes and Adolescent Nonathletes</i> , 19 J. Sport Rehab. 237 (2010), https://tinyurl.com/Snyder-Health-Related-Quality	11-12
Suarez, Nicolas A., et al., Ctrs. for Disease Control & Prevention, <i>Disparities in School Connectedness, Unstable Housing, Experiences of Violence, Mental Health, and Suicidal Thoughts and Behaviors Among Transgender and Cisgender High School Students – Youth Risk Behavior Survey, United States, 2023</i> , 73 MMWR Morb. & Mortal. Wkly. Rep. 50 (2024), https://www.cdc.gov/mmwr/volumes/73/su/pdfs/su7304a6-H.pdf	6
Troutman, Kelly P., and Mikaela J. Dufur, <i>From High School Jocks to College Grads: Assessing the Long-Term Effects of High School Sport Participation on Females’ Educational Attainment</i> , 38 Youth & Soc’y 443 (2007), http://jvloner.com/sportsdocs/womenHighSchooltoCollege2007.pdf	11-12
Truong, Nhan L., et al., GLSEN, <i>Erasure and Resilience: The Experiences of LGBTQ Students of Color, Black LGBTQ Youth in U.S. Schools</i> (2020), https://www.glsen.org/sites/default/files/2020-06/Erasure-and-Resilience-Black-2020.pdf	7
University of Minn., <i>Equity and Access: Gender Identity, Gender Expression, Names and Pronouns</i> (n.d.), https://perma.cc/E73Y-AKQ8	21

Miscellaneous Authorities	Page(s)
Veto Message for H.B. 11 from Spencer J. Cox, Governor of Utah, to J. Stuart Adams, President, Senate, & Brad R. Wilson, Speaker, House of Representatives, (Mar. 22, 2022), https://governor.utah.gov/press/gov-cox-signs-21-bills-vetoes-one-bill-of-the-2022-general-legislative-session/	31
Veto Message for H.B. 1041 from Eric J. Holcomb, Governor of Indiana, to Todd Huston, Speaker, House of Representatives (Mar. 21, 2022), https://embed.documentcloud.org/documents/21473138-veto-hea-1041/?embed=1&responsive=1&title=1	31
Washington Interscholastic Activities Ass’n, <i>Handbook 2025-2026</i> (2025), https://wiaa-dna4aga5arc0gyeb.westus2-01.azurewebsites.net/results/handbook/25-26/25-26 Handbook.pdf	21
Washington Off. of Superintendent of Pub. Instruction, <i>Gender-Inclusive Schools</i> (n.d.), https://perma.cc/ZXJ4-YZPB	10
What We Know Project, Cornell Univ., <i>What Does the Scholarly Research Say About the Effects of Discrimination on the Health of LGBT People?</i> (2019), https://perma.cc/UB2C-UPW2	8

INTERESTS OF AMICI STATES

In these cases, plaintiffs B.P.J. and Lindsay Hecox, who are transgender female students, filed suit to enjoin the enforcement of, respectively, West Virginia Code § 18-2-25d (“West Virginia Act”) and Idaho Code § 33-6203 (“Idaho Act”). Both statutes categorically bar transgender female students from participating in sex-separated sports consistent with their gender identity, without any regard to their age, the level of competition at which they seek to participate, whether they have any competitive advantage due to physiological changes associated with male puberty, or whether their participation foreclosed any other student from participating in athletics. The Idaho Act also contains an additional provision permitting any individual to “dispute” the sex of any student participating in female athletics and to require her to undergo intrusive sex verification procedures, which may include a gynecological exam. While the West Virginia Act does not have an explicit enforcement mechanism, its classification scheme turns on reproductive biology and genetics, and the resolution of disputes would likely require similar verification procedures.

The Fourth Circuit concluded that B.P.J. was entitled to summary judgment because the West Virginia Act violates her rights under Title IX of the Education Amendments of 1972. The Ninth Circuit concluded that Hecox was entitled to a preliminary injunction because the Idaho Act likely violates her rights under the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.

The States of New York, Hawai‘i, California, Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Minnesota, Oregon, Rhode

Island, Vermont, and Washington, and the District of Columbia, file this brief as amici curiae in support of B.P.J. and Hecox. Amici file this brief to explain that, in their experience, allowing transgender girls and women to participate in girls' and women's sports promotes inclusive school environments that benefit all, and does not compromise fairness or reduce opportunities for cisgender students.

Amici States strongly support the right of transgender people to live with dignity, be free from discrimination, and have equal access to education, public facilities, and other government-sponsored opportunities, including student athletic programs. Discrimination and exclusion on the basis of one's sex or transgender status cause tangible economic, educational, emotional, and health harms. To prevent these injuries, many of the amici States have adopted policies aimed at combatting discrimination against transgender people and facilitating inclusive environments. Amici submit this brief to describe their experiences with administering such policies—including policies permitting transgender students to participate in sex-separated athletic programs consistent with their gender identity, on an equal basis with other students. As amici's experiences demonstrate, allowing transgender girls and women to participate in girls' and women's sports does not deprive cisgender girls and women of the benefits of participating in athletic activities. The amici States also share a strong interest in the application of federal law to supplement the efforts of States to protect against discrimination on the basis of sex or transgender status. At a minimum, federal law should preserve States' sovereign authority to adopt and enforce inclusive laws and policies in their own jurisdictions.

SUMMARY OF ARGUMENT

1. Transgender youth experience higher levels of discrimination, violence, and harassment than their peers. Those experiences can often have serious health consequences and adversely affect educational outcomes. The experiences of amici States show that policies and practices that facilitate inclusive school environments for transgender students—including policies permitting young people to participate in the single-sex sports teams at their schools consistent with their gender identity—promote inclusive school environments and communities that benefit all.

2. Both cases here involve a challenge to a state statute that categorically excludes transgender girls and women from participating on athletic teams consistent with their gender identity based solely on their sex assigned at birth. Neither case challenges the authority of schools to offer single-sex athletic teams. Because the sole function of each of the challenged statutes is to exclude and stigmatize transgender girls and women, each statute violates equal protection under any level of scrutiny. Moreover, each statute violates Title IX by denying transgender girls and women access to the same athletic opportunities that other students have. And each statute violates federal law for the additional reason that it imposes (either expressly or implicitly) burdensome and intrusive sex verification requirements on participants in female athletics alone by potentially subjecting them to gynecological exams if their sex is disputed.

3. At a minimum, this Court should recognize that federal law affords States flexibility to adopt inclusive laws and policies, like those adopted by many of the amici States, that allow transgender women and girls to

participate in women’s and girls’ athletics. Lower courts have uniformly rejected arguments that transgender students’ use of sex-separated spaces that align with their gender identity somehow violates cisgender students’ Title IX rights. And even courts that have adopted a restrictive view of Title IX and held (incorrectly) that Title IX allows schools to separate spaces by “biological sex” have recognized that Title IX does not require such policies.

ARGUMENT

I. PROTECTING TRANSGENDER PEOPLE FROM DISCRIMINATION CONFERS WIDE SOCIETAL BENEFITS WITHOUT REDUCING OPPORTUNITIES FOR OTHERS.

Over 2.8 million people in the United States—including approximately 724,000 youth between the ages of thirteen and seventeen—identify as transgender.¹ Transgender people have been part of cultures worldwide “from antiquity until the present day.”² They contribute to our communities in myriad ways, including as students, teachers, firefighters, police officers, lawyers, and medical personnel.

¹ Jody L. Herman & Andrew R. Flores, Williams Inst., *How Many Adults and Youth Identify as Transgender in the United States?* 2 (2025). (For authorities available online, full URLs appear in the table of authorities. All URLs were last visited on November 17, 2025.)

² Am. Psych. Ass’n (APA), *Understanding Transgender People, Gender Identity and Gender Expression* (last updated July 8, 2024); see also APA, *Guidelines for Psychological Practice with Transgender and Gender Nonconforming People*, 70 Am. Psych. 832, 834 (2015).

Yet in sports and beyond, transgender people often experience discrimination that limits their ability to realize their potential. To combat such discrimination, States began providing civil rights protections for transgender people over a quarter century ago. Today, at least twenty-one States and the District of Columbia,³ and at least 395 municipalities,⁴ offer express protections against discrimination based on gender identity in areas such as education, housing, public accommodations, and employment.⁵ Many of these jurisdictions have also adopted policies that allow transgender youth to participate in single-sex sports teams consistent with their gender identity. See *infra* at 10-11.

As the experiences of amici States and other jurisdictions show, these policies promote inclusive communities, schools, and athletic environments that benefit all.

³ See Appendix, *infra*. At least two other States—Kansas and Pennsylvania—have interpreted their nondiscrimination laws as forbidding discrimination on the basis of gender identity. See Kansas Hum. Rts. Comm’n, *Guidance from the Kansas Human Rights Commission on Sex Discrimination in Employment, Public Accommodations, and Housing* (Sept. 18, 2020) (advising that Kansas laws prohibit discrimination based on “sex, without regard to heterosexual, homosexual, bisexual, transgender, queer or any other subcategory or derivative of the word ‘sex’”); 16 Pa. Code § 41.206 (defining “sex” as including “a person’s gender identity or gender expression” for purposes of nondiscrimination laws).

⁴ Movement Advancement Project, *Local Nondiscrimination Ordinances* (last updated Apr. 1, 2025).

⁵ This Court has confirmed that longstanding federal law similarly prohibits employment discrimination based on gender identity. See *Bostock v. Clayton County*, 590 U.S. 644, 660-62 (2020).

A. Transgender Youth Face Pervasive and Harmful Discrimination That Causes Them Serious Health and Academic Harms.

Transgender youth experience levels of discrimination, violence, and harassment that exceed those experienced by their cisgender peers.⁶ The 2015 and 2022 U.S. Transgender Surveys (USTS), the largest surveys of transgender people in the United States to date, examined the experiences of respondents who identified as or were perceived as transgender in grades K-12. They found that:

- Over three quarters (80%) reported mistreatment or negative experiences at school;⁷
- More than half (54%) reported verbal harassment;

⁶ Joseph G. Kosciw et al., GLSEN, *The 2021 National School Climate Survey: The Experiences of LGBTQ+ Youth in Our Nation's Schools* xxvii, 84 (2022); see also Nicolas A. Suarez et al., Ctrs. for Disease Control & Prevention, *Disparities in School Connectedness, Unstable Housing, Experiences of Violence, Mental Health, and Suicidal Thoughts and Behaviors Among Transgender and Cisgender High School Students – Youth Risk Behavior Survey, United States, 2023*, 73 MMWR Morb. & Mortal. Wkly. Rep. 50, 54 (2024); GLSEN, *Improving School Climate for Transgender and Nonbinary Youth: Research Brief 1* (2021); Emily A. Greytak et al., GLSEN, *Harsh Realities: The Experiences of Transgender Youth in Our Nation's Schools* xi (2009); Michelle M. Johns et al., *Transgender Identity and Experiences of Violence Victimization, Substance Use, Suicide Risk, and Sexual Risk Behaviors Among High School Students – 19 States and Large Urban School Districts, 2017*, 68 MMWR Morb. & Mortal. Wkly. Rep. 67, 69 (2019).

⁷ Sandy E. James et al., Nat'l Ctr. for Transgender Equal., *Early Insights: A Report of the 2022 U.S. Transgender Survey 22* (2024).

- Almost a quarter (24%) reported suffering a physical attack; and
- Approximately one in eight (13%) reported being sexually assaulted.⁸

A 2021 survey of LGBTQ students in grades six to twelve showed that 74% of transgender student respondents experienced in-person victimization at school because of their gender expression, and 42% experienced online victimization because of their gender expression.⁹ Moreover, 65% of transgender and nonbinary youth in a 2024 survey reported being discriminated against in the past year because of their gender identity.¹⁰ Students subject to such discrimination, violence, and harassment have reported feeling less of a sense of belonging at school than other students.¹¹ Transgender youth of color, in particular, face unique difficulties.¹²

Discrimination against transgender youth—including denying them the opportunity to participate in extracurricular activities consistent with their gender identity—causes serious harm. Research has demonstrated that discrimination against LGBTQ people—including discriminatory policies and the denial of opportunities—“increases the risks of poor mental and

⁸ [Sandy E. James et al., Nat’l Ctr. for Transgender Equal., *The Report of the 2015 U.S. Transgender Survey* 131-35 \(2016\).](#)

⁹ Kosciw et al., *supra*, at 86-87.

¹⁰ [R. Nath et al., The Trevor Project, *2024 U.S. National Survey on the Mental Health of LGBTQ+ Young People* 15 \(2024\).](#)

¹¹ Kosciw et al., *supra*, at 88.

¹² [See Nhan L. Truong et al., GLSEN, *Erasure and Resilience: The Experiences of LGBTQ Students of Color, Black LGBTQ Youth in U.S. Schools* 3, 37 \(2020\).](#)

physical health” for LGBTQ people.¹³ For example, LGBTQ students who experienced discriminatory policies or practices in school had lower self-esteem and higher levels of depression than students who had not encountered such discrimination.¹⁴ Respondents to the 2015 USTS who reported negative experiences in grades K-12 were more likely than other respondents to be under serious psychological distress, to have experienced homelessness, and to have attempted suicide.¹⁵ Among respondents to the 2015 USTS, 40% had attempted suicide—a rate nearly nine times that of the general population (4.6%).¹⁶ Almost half (46%) of transgender and nonbinary youth aged thirteen to seventeen in a 2024 mental health survey reported having seriously considered attempting suicide in the past twelve months.¹⁷ Positive school climates, on the other hand, have been linked to lower suicidality in LGBTQ youth.¹⁸

Discrimination in school settings also negatively affects educational outcomes. A 2021 survey showed that LGBTQ students who had experienced discriminatory policies and practices had lower levels of educational

¹³ What We Know Project, Cornell Univ., *What Does the Scholarly Research Say About the Effects of Discrimination on the Health of LGBT People?* (2019).

¹⁴ Kosciw et al., *supra*, at 43-44; *see also* April J. Ancheta et al., *The Impact of Positive School Climate on Suicidality and Mental Health Among LGBTQ Adolescents: A Systematic Review*, 37 J. Sch. Nurs. 75, 76 (2021).

¹⁵ James et al., *Report of the 2015 U.S. Transgender Survey*, *supra*, at 132.

¹⁶ *See id.* at 114.

¹⁷ Nath et al., *supra*, at 3.

¹⁸ *See id.* at 24 (reporting that 14% of LGBTQ youth in nonaffirming schools had attempted suicide in the last year, compared to 10% in affirming schools); Ancheta et al., *supra*, at 80.

achievement, lower grade point averages, and lower levels of educational aspiration than other students.¹⁹ Discriminatory school climates have also been found to exacerbate absenteeism. A 2021 survey found that LGBTQ students who had experienced discrimination in their schools were almost three times as likely (43.3% versus 16.4%) to have missed school the prior month because they felt unsafe or uncomfortable.²⁰

B. The Amici States’ Experiences Confirm That Protecting Transgender People from Discrimination Yields Broad Benefits.

Policies that recognize transgender students’ right to access facilities and activities consistent with their gender identity create school climates that enhance students’ well-being and facilitate their ability to learn.²¹ For example, transgender students encouraged to live consistently with their gender identity have mental health outcomes comparable to their cisgender peers.²² These benefits redound to society as a whole because education advances not only the private interests of

¹⁹ Kosciw et al., *supra*, at 35-37; *see also* Greytak et al., *supra*, at 25, 27 fig. 15 (showing that frequently harassed transgender students had significantly lower grade point averages than other transgender students).

²⁰ Kosciw et al., *supra*, at 36.

²¹ *See, e.g.*, Br. of Amici Curiae Sch. Adm’rs from Thirty-One States & D.C. in Supp. of Resp’t at 3-4, *Gloucester Cnty. Sch. Bd. v. G.G. ex rel. Grimm*, 580 U.S. 1168 (2017) (No. 16-273), 2017 WL 930055; [Off. of Elementary & Secondary Educ., U.S. Dep’t of Educ., Safe & Supportive Schools](#) (last updated Jan. 14, 2025) (“Safe and supportive schools are critical to the well-being of the whole school community as well as the academic success of students.”).

²² *See* Kristina R. Olson et al., *Mental Health of Transgender Children Who Are Supported in Their Identities*, 137 *Pediatrics* e20153223, at 5-7 (Mar. 2015).

students, but also prepares them to contribute to society—socially, culturally, and economically. *See, e.g., Brown v. Board of Educ.*, 347 U.S. 483, 493 (1954).

Several States have enacted laws or issued guidance to ensure equal opportunities for transgender students—including with regard to school activities and sports programs.²³ For example, both California and Massachusetts have long mandated that transgender students in K-12 schools be permitted to participate in

²³ **Connecticut:** Conn. Gen. Stat. § 10-15c (prohibiting discrimination on basis of gender identity in student access to public school activities and programs). **Michigan:** Michigan Bd. of Educ., *Statement and Guidance on Safe and Supportive Learning Environments for Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) Students* 6 (Sept. 14, 2016) (advising that K-12 students be permitted to participate in sports in accordance with their gender identity). **Minnesota:** Minn. Stat. § 363A.13 (prohibiting schools from discriminating against students based on gender identity); Minnesota Dep’t of Educ., *A Toolkit for Ensuring Safe and Supportive Schools for Transgender and Gender Nonconforming Students* 8 (Sept. 25, 2017) (same). **New Jersey:** New Jersey Dep’t of Educ., *Transgender Student Guidance for School Districts* 6 (Sept. 2018) (same, as to “gender-segregated classes or athletic activities, including intramural and interscholastic athletics”); New Jersey. Off. of Att’y Gen., *5 Things You Should Know About LGBTQ+ Student Rights in Schools* (June 15, 2022) (“students are allowed to . . . participate in extracurricular activities, including intramural or interscholastic athletics and physical education, that best correspond to their gender identity and expression”). **Washington:** Wash. Rev. Code Ann. § 28A.642.010 (prohibiting discrimination based on gender identity in public schools); Washington Off. of Superintendent of Pub. Instruction, *Gender-Inclusive Schools* (n.d.) (transgender students in K-12 schools must be permitted to participate in “physical education and athletics” consistent with their gender identity). **District of Columbia:** D.C. Code §§ 2-1402.41, 38-841.02; D.C. Mun. Regs. tit. 5-F, § 102.6 (prohibiting gender identity discrimination by educational institutions generally and in the context of school athletics).

school programs and activities—including sports—consistent with their gender identity. *See* Cal. Educ. Code § 221.5(f) (2013); Mass. Gen. Laws ch. 76, § 5 (2012); 603 Mass. Code Regs. 26.06(5) (2012). Likewise, New York law expressly prohibits discrimination and harassment of students “on school property or at a school function” on the basis of gender identity in K-12 schools. N.Y. Educ. Law §§ 11(6), 12(1) (2012). And the New York State Education Department has made clear that transgender students in K-12 schools have the right to access school facilities and participate in activities consistent with their gender identity.²⁴ As detailed below (at 20-23), amici States’ inclusive policies have not deprived cisgender students of athletic opportunities. Instead, they allow transgender and cisgender students alike to reap the benefits of playing sports.

Athletic participation has been linked to academic achievement and improved academic performance.²⁵ Participants in interscholastic sports in high school “have higher grades, spend more time on homework, have higher educational aspirations, and are more likely to attend college than are their counterparts.”²⁶ Young

²⁴ New York State Educ. Dep’t, *Creating a Safe, Supportive, and Affirming School Environment for Transgender and Gender Expansive Students: 2023 Legal Update and Best Practices* 21-26 (2023).

²⁵ Ryan D. Burns et al., *Sports Participation Correlates with Academic Achievement: Results from a Large Adolescent Sample Within the 2017 U.S. National Youth Risk Behavior Survey*, 127 *Percept. & Mot. Skills* 448, 458-59 (2020); Alison R. Snyder et al., *Health-Related Quality of Life Differs Between Adolescent Athletes and Adolescent Nonathletes*, 19 *J. Sport Rehab.* 237, 237-38 (2010); Kelly P. Troutman & Mikaela J. Dufur, *From High School Jocks to College Grads: Assessing the Long-Term Effects of High School Sport Participation on Females’ Educational Attainment*, 38 *Youth & Soc’y* 443, 444 (2007).

²⁶ Troutman & Dufur, *supra*, at 444.

women who participate in high school athletics, in particular, are more likely on average to complete college.²⁷ Athletic participation has also been linked to “more successful outcomes in adulthood, such as employment.”²⁸

There are also many health benefits to sports participation. Regular physical activity “decreases the risk of developing diabetes, hypertension, cancer, and obesity, as well as cardiovascular and bone and joint diseases.”²⁹ For youth, “[p]articipation in physical activity during childhood and adolescence has a positive impact on physical health throughout the life span.”³⁰

For LGBTQ students in particular, the ability to participate in sports consistent with their gender identity can be lifechanging. The psychological benefits of sports include “improved emotion regulation, decreased hopelessness and suicidality, fewer depressive symptoms, and higher self-esteem.”³¹ Participating in school

²⁷ *Id.* at 454.

²⁸ See Scott B. Greenspan et al., *LGBTQ+ Youth’s Experiences and Engagement in Physical Activity: A Comprehensive Content Analysis*, 4 *Adolesc. Rsch. Rev.* 169 (2019).

²⁹ Snyder et al., *supra*, at 237-38; see also Greenspan et al., *supra*, at 170; Troutman & Dufur, *supra*, at 444.

³⁰ Ellis Barrera et al., *The Medical Implications of Banning Transgender Youth from Sport Participation*, 176 *JAMA Pediatr.* 223 (2022); see also Landon D. Hughes et al., *Pediatric Provider Perspectives on Laws and Policies Impacting Sports Participation for Transgender Youth*, 9 *LGBT Health* 247, 247-48 (2022).

³¹ Caitlin M. Clark & Joseph G. Kosciw, *Engaged or Excluded: LGBTQ Youth’s Participation in School Sports and Their Relationship to Psychological Well-Being*, 59 *Psych. Schs.* 95, 96 (2022) (citations omitted); see also Hughes et al., *supra*, at 247-48; Caitlin M. Clark et al., *GLSEN, LGBTQ Students and School Sports Participation* 8 (2021).

sports also enriches a student’s educational experience by helping them build social skills and connections, and by fostering a sense of belonging.³² “Considering the benefits associated with sports participation . . . , sports may provide a protective environment” for LGBTQ youth.³³ But, “[i]f sports are unsafe and hostile for LGBTQ youth, the benefits of participation . . . may not translate . . . , or worse, participation may have negative effects on development.”³⁴ Policies allowing all students, including transgender students, to participate on the sports teams consistent with their gender identity are thus important to grant LGBTQ youth access to the many developmental benefits of participation.³⁵ And policies excluding transgender youth from participating in sports consistent with their gender identity deprive them of these well-known benefits.³⁶

³² Clark et al., *supra*, at 1, 8.

³³ Clark & Kosciw, *supra*, at 96.

³⁴ *Id.* at 97.

³⁵ Alex Siu Wing Chan et al., *Societal Discrimination and Mental Health Among Transgender Athletes: A Systematic Review and Meta-Analysis*, 12 BMC Pysch. art. 24, at 13 (2024) (“By fostering a positive and inclusive environment, we can encourage transgender athletes to engage in physical activities and join sports teams.”).

³⁶ Kosciw et al., *supra*, at 32-33, 73-74; Hughes et al., *supra*, at 248.

II. FEDERAL LAW PROHIBITS THE SEX AND GENDER-IDENTITY DISCRIMINATION THAT THE CHALLENGED STATUTES REQUIRE.

Each of the two statutes at issue here operates as a blanket prohibition on female transgender students' participation in school athletics consistent with their gender identity. The statutes require schools to designate athletic teams or sports as either (1) a boys' team or sport; (2) a girls' team or sport; or (3) a coeducational or mixed team or sport. *See* W. Va. Code Ann. § 18-2-25d(c)(1); Idaho Code § 33-6203(1). The statutes then prohibit "students of the male sex" from participating on an athletic team or sport designated as a girls' athletic team or sport. W. Va. Code Ann. § 18-2-25d(c)(2); Idaho Code § 33-6203(2). But the statutes permit "students of the female sex" to participate on an athletic team or sport designated as a boys' athletic team or sport. W. Va. Code Ann. § 18-2-25d(c)(3); *see* Idaho Code § 33-6203.

Under the West Virginia Act, a student's sex is determined "based solely on the individual's reproductive biology and genetics at birth." W. Va. Code Ann. § 18-2-25d(b)(1). Under the Idaho Act, when a dispute is raised concerning the sex of a participant in female athletics, a health care provider "may verify the student's biological sex as part of a routine sports physical examination relying only on one (1) or more of the following: the student's reproductive anatomy, genetic makeup, or normal endogenously produced testosterone levels." Idaho Code § 33-6203(3).

These statutes do not affect the ability of cisgender students or transgender male students to participate on sports teams consistent with their gender identity. Rather, the text, structure, purpose, and effect of each

statute demonstrate that the statute categorically bans transgender women and girls—and only transgender women and girls—from participating on public school sports teams that correspond with their gender identity, regardless of their age or the level of competition. (See *Hecox* Pet. App. 25a-26a; *B.P.J.* Pet. App. 13a, 24a.) Such categorical bans discriminate on the basis of transgender status and sex, and violate the Equal Protection Clause and Title IX. At a minimum, contrary to the claims of some amici supporting petitioners, federal law does not require such bans, and States have discretion to implement inclusive policies in their respective jurisdictions.

A. The Equal Protection Clause Prohibits the Sex and Gender-Identity Discrimination Effectuated by the Challenged Statutes.

As respondents have correctly explained, the challenged laws are subject to intermediate scrutiny and fail that standard. (See *B.P.J.* Br. 42-49; *Hecox* Br. 23-51.) But even if heightened scrutiny did not apply, the statutes would still fail rational basis review. This Court has long made clear that equal protection prohibits government policies that express negative attitudes or fear only toward people viewed as “different.” *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 448 (1985); see also *Nguyen v. Immigration & Naturalization Serv.*, 533 U.S. 53, 68 (2001) (Equal Protection Clause bars decisions built on stereotypes and “irrational or uncritical analysis”). Vague, undifferentiated fears about a class of persons further no legitimate state interest and cannot be used to validate a policy of different treatment. *City of Cleburne*, 473 U.S. at 449.

1. The categorical bans imposed by West Virginia’s and Idaho’s laws impose such impermissible discrimination and are far too broad to conceivably further purported interests in promoting fairness in girls’ and women’s sports. They violate equal protection in three distinct respects.

First, the statutes treat transgender girls and women worse than cisgender girls and women. They bar only transgender girls and women from participating on teams consistent with their gender identity, without any regard to whether they have any competitive advantage or the level of competition (such as elementary school, high school, or collegiate sports) at which they seek to participate. Based solely on students’ sex assigned at birth, the challenged statutes needlessly deny transgender girls and women something that their cisgender classmates take for granted: the ability to participate on an athletic team at school with their friends consistent with their lived identity. The statutes single out transgender girls based on their sex assigned at birth and force transgender girls either to forgo participation on single-sex sports teams or to participate on teams inconsistent with their gender identity.

The statutes’ classification scheme is an irrational means to further petitioners’ asserted interest in promoting fairness in girls’ and women’s sports. The statutes classify based on reproductive anatomy and genetics—characteristics that themselves are not determinative of athletic performance.³⁷ And the statutes

³⁷ [David J. Handelsman et al., *Circulating Testosterone as the Hormonal Basis of Sex Differences in Athletic Performance*, 39 *Endocr. Revs.* 803, 803-05 \(2018\)](#); [David J. Handelsman, *Sex Differences in Athletic Performance Emerge Coinciding with the Onset of Male Puberty*, 87 *Clin. Endocrinol.* 68, 68, 72 \(2017\)](#).

ignore the key driver of differences in athletic performance, i.e., circulating testosterone. *Cf.* Idaho Code § 33-6203(3) (relying on “normal endogenously produced testosterone levels” to determine sex). Prior to puberty, boys and girls have similar levels of circulating testosterone; prepubertal boys accordingly do not have any meaningful athletic advantage over prepubertal girls. During male puberty, testosterone spikes, affecting muscle, bone, and hemoglobin levels. But transgender girls who take puberty blockers or feminizing hormones have testosterone levels at or near the same levels as prepubertal boys and girls.³⁸

Similarly, the age range of students covered by the statutes is far too broad to relate to petitioners’ asserted interests. The statutes’ “categorical ban[s] include[] transgender students who are young girls in elementary school or even kindergarten.” (*Hecox* Pet. App. 48a.) Those students do not yet have any athletic advantages that arise from the increased rates of circulating testosterone that occur during male puberty. The vast age range also encompasses young transgender students who are simply seeking to participate in recreational athletics with their friends consistent with their lived identity. These activities simply do not implicate the concerns raised by petitioners and their amici about access to scholarships or fairness in elite, competitive athletics.

Instead, categorical prohibitions like those at issue here—which impose blanket bans that do not consider the students’ age, the level of competition at which they seek to participate, or whether they actually have a competitive advantage—merely perpetuate historic

³⁸ Handelsman et al., *supra*, at 803-05; Handelsman, *supra*, at 68, 72.

discrimination against transgender women and girls, and “serve[] to ratify and perpetuate invidious, archaic, and overbroad stereotypes.” (*Hecox* Pet. App. 55a (quotation marks omitted); *see id.* at 43a.) Such discrimination contravenes a core aspect of transgender people’s identities, subjecting them to potential harassment, and preventing them from fully living their lives consistent with their gender identity. The categorical bans stigmatize and exclude transgender students, and they further no legitimate governmental interests in promoting equity in sports.

Second, the statutes subject transgender women and girls to greater restriction on athletic participation than transgender men and boys, who are not subject to the same rules. This differential treatment constitutes a separate way in which the statutes expressly discriminate on the basis of sex. In other words, the statutes discriminate by creating “a rule that people whose sex was assigned at birth as female may play on any team but people whose sex was assigned at birth as male may only play on male or co-ed teams.” (*B.P.J.* Pet. App. 26a.) Unequal treatment of individuals based on their sex assigned at birth is unequivocally discrimination on the basis of sex. That classification is irrational because it likewise turns solely on reproductive anatomy at birth, which alone has no meaningful impact on athletic performance.

Third, because the statutes require determining who is a transgender woman or girl but not who is a transgender man or boy, they (either expressly or implicitly) subject every woman and girl to more intrusive scrutiny to verify their gender than is required of any man or boy, and thus in yet another way the statutes discriminate on the basis of sex.

The Idaho Act is most egregious. It expressly imposes a highly intrusive, scientifically flawed, and medically harmful sex verification process for participants in women's and girls' sports alone. Under the Idaho Act, participants in women's and girls' sports, but not men's and boys' sports, are subject to "the risk and humiliation of having their sex 'disputed' and then suffering intrusive medical testing as a prerequisite for participation on school sports teams." (*Hecox* Pet. App. 39a.) And while the West Virginia Act does not explicitly describe its enforcement mechanism, the statute's similar reliance on "reproductive biology and genetics at birth," § 18-2-25d(b)(1), suggests that an intrusive medical examination would be required to resolve a dispute over whether a student could participate in female athletics. The challenged statutes thus impose severe harms to dignity and bodily autonomy on only participants in women's and girls' sports, without imposing any similar harms on participants in men's and boys' sports.

Given that laws like the Idaho Act explicitly require intrusive enforcement mechanisms, and that laws like the West Virginia Act invite such mechanisms with their criteria for classifying students, it is unsurprising that there have been numerous reports of sexual harassment of cisgender girls following the implementation of categorical bans on transgender athletes. For example, such bans lead to charges that cisgender girls who appear "masculine" are transgender and should thus be subject to intrusive inspections.³⁹ Subjecting girls and women alone to such requirements is irrational because the inspection of reproductive anatomy by itself sheds

³⁹ See Julie Minikel-Lacocque, *Liars, Cheaters, and Short-Haired Girls: Gender Identity Denial of Young Athletes*, 28 *Women in Sport & Phys. Act. J.* 140 (2020).

no light on competitive advantage. The Equal Protection Clause bars such unjustified disparate treatment of girls and boys.

2. Amici States’ experience contravenes the contentions of petitioners and their amici that, absent enforcement of the statutes at issue, “biological males” will displace “biological females” to a substantial extent in school sports. (See West Virginia Br. 38-39; Idaho Br. 49; Br. for States of Arkansas, Alabama, 25 Other States, and the U.S. Territory of Guam as Amici Curiae in Supp. of Pet’rs 22.)

The experiences of the amici States with inclusive and equitable school athletics policies demonstrate that such policies do not compromise fairness or reduce opportunities for cisgender female athletes. Amici States’ experience further confirms that there is no evidence that any concrete harm will result from permitting transgender students like plaintiffs to participate in female athletics. Interscholastic sports organizations and local school districts have adopted policies to ensure that transgender students will have equal access to sports participation—and these policies have not resulted in fewer opportunities for cisgender students.⁴⁰

⁴⁰ See, e.g., **California:** California Interscholastic Fed’n, Constitution & Bylaws 2025-26, at 99 (2025) (transgender students must be afforded opportunity to participate in sports in manner consistent with their gender identity). **Colorado:** Colorado High Sch. Activities Ass’n, Constitution & Bylaws, 2025-26 § 300(3) (2025) (same). **Delaware:** 14 Del. Admin. Code § 1024(8.5.1) (same, for interscholastic sports). **Maryland:** Maryland Pub. Secondary Schs. Athletic Ass’n, MPSSAA Guidance for Participation of Transgender Youth in Interscholastic Athletics 1-2 (Aug. 2016) (same); **Massachusetts:** Massachusetts Interscholastic Athletic Ass’n, Handbook, July 1, 2025-June 30, 2027, at 33 (2025) (same). **Minnesota:** Minnesota State High Sch. League, Official Hand-

(continues on next page)

See Grimm v. Gloucester Cnty. Sch. Bd., 972 F.3d 586, 614 (4th Cir. 2020) (noting relevance of school districts successfully implementing inclusive policies).

For example, since 2009, the New Jersey State Interscholastic Athletic Association, a voluntary organization that administers interscholastic athletics in the State, has protected transgender students’ ability to participate in gender-separated competitive sports consistent with their gender identity.⁴¹ The Albuquerque Public Schools—the largest school district in New Mexico—mandates that transgender students have equal access to recreational and competitive sports programs “in a manner consistent with their gender identity.”⁴² And the Los Angeles Unified School District, one of the largest school districts in the country, has implemented a transgender-inclusive sports policy for many years without problems.⁴³ As a school district

book, 2025-2026 Bylaw 300, at 61-62 (2025) (same); *University of Minn., Equity and Access: Gender Identity, Gender Expression, Names and Pronouns* (n.d.) (same, for all university programs and activities). **New York:** *New York State Pub. High Sch. Athletic Ass’n, Handbook* 52-53 (Aug. 2025) (equal participation by transgender students in all interscholastic sports activities consistent with their gender identity). **Oregon:** *Oregon Sch. Activities Ass’n, 2025-2026 Oregon School Activities Association Handbook* 70-71 (2025) (same). **Washington:** *Washington Interscholastic Activities Ass’n, Handbook 2025-2026*, at 40, 91 (2025) (same).

⁴¹ *New Jersey State Interscholastic Athletic Ass’n, Transgender Policy – Frequently Asked Questions* (June 8, 2022).

⁴² *See Albuquerque Pub. Schs., PJ30, Non-Discrimination for Students: Gender Identity and Expression* (May 2016).

⁴³ *See Patrick McGreevy, California Transgender Students Given Access to Opposite-Sex Programs*, L.A. Times (Aug. 12, 2013); *see also Los Angeles Unified Sch. Dist., BUL-2521.4, Title IX Policy/Nondiscrimination Complaint Procedures (Including for Sex Discrimination and Sexual Harassment)* (Sept. 25, 2023).

official in Los Angeles has reported, the district’s policy has led to a positive transformation in the district’s schools: an experience that “stands in stark contrast” to “expressed concerns that students will abuse the policy.”⁴⁴ Notwithstanding this lengthy history of protecting transgender athletes’ right to participate on sports teams consistent with their gender identity, amici States are not aware of evidence that transgender athletes as a group have disproportionately dominated any sport or competition, or have disproportionately received prizes or scholarship opportunities. Anecdotal evidence of a few successful transgender female athletes does not constitute a deprivation of athletic opportunities for cisgender girls.

In fact, data shows that high school girls’ participation in athletics remained steady from 2011 to 2019 (before the onset of the COVID-19 pandemic) in States with transgender-inclusive sports policies. For example, before the Idaho Act, girls in Idaho participated in sports at rates similar to national averages under policies that allowed transgender girls to participate on girls’ teams.⁴⁵ And athletic participation for girls in Minnesota continued to rise after adopting inclusive policies in 2015.⁴⁶ It is therefore unsurprising that many lawmakers supporting categorical bans of transgender girls’ participation in girls’ sports could not identify any instances of transgender student athletes

⁴⁴ See [Judy Chiasson, *Success and Opportunity for Transgender Students*, HuffPost.com](#) (updated Feb. 2, 2016).

⁴⁵ See [Shoshana K. Goldberg, Ctr. for Am. Progress, *Fair Play: The Importance of Sports Participation for Transgender Youth* 14-15](#) (Feb. 2021).

⁴⁶ See Decl. of Mollie T. McQuillan, PhD ¶¶ 39-40, *Female Athletes United v. Ellison*, No. 25-cv-2151 (D. Minn. July 23, 2025), ECF No. 69.

displacing cisgender student athletes in their State.⁴⁷ The district court in *B.P.J.* found that “West Virginia had no ‘problem’ with transgender students playing school sports and creating unfair competition or unsafe conditions.” (*B.P.J.* Pet. App. 83a.) Indeed, the record did not show a single instance “of any transgender person playing school sports” in West Virginia at the time the West Virginia Act was passed. (*B.P.J.* Pet. App. 83a.)

Petitioners’ conjecture about transgender girls displacing cisgender girls on sports teams is particularly baseless for transgender girls who have not experienced the physiological changes associated with male puberty and thus lack the physical advantages that petitioners claim will result in displacement. There is no rational basis for a “sweeping prohibition” that indiscriminately bars all female transgender students from athletics “regardless of whether they have gone through puberty or hormone therapy, [and] without any evidence of transgender athletes displacing female athletes.” (*Hecox* Pet. App. 46a.) But, as explained, that prohibition is precisely what the statutes challenged here do. They classify students based on criteria that, standing alone, are not determinative of athletic performance: reproductive anatomy and sex chromosomes. Moreover, as explained, the statutes at issue ignore the key driver of differences in athletic performance after puberty, i.e., circulating testosterone. See *supra* at 16-17.

In contrast to the lack of harm shown by petitioners, the harms that the challenged statutes cause to transgender students are substantial. As a practical matter,

⁴⁷ See [David Crary & Lindsay Whitehurst, *Lawmakers Can’t Cite Local Examples of Trans Girls in Sports*, APNews.com \(Mar. 3, 2021\)](#).

the statutes bar transgender women and girls in Idaho and West Virginia “from all participation in student athletics.” (*Hecox* Pet. App. 43a.) As explained above (see *supra* at 6-9), such exclusion will cause tangible educational, social, emotional, and health harms to transgender students.

Petitioners claim that transgender girls may play on the boys’ team (see West Virginia Br. 10; Idaho Br. 31), but this approach would exacerbate, not mitigate, the harms. Forcing plaintiffs to play on the boys’ team—when all of their classmates know them as girls—would not only embarrass and humiliate them but also fundamentally threaten their very sense of self. (See *Hecox* Pet. App. 44a.)

B. Title IX Prohibits the Sex and Gender-Identity Discrimination Imposed by the Challenged Statutes.

The challenged statutes’ categorical bans and enforcement mechanisms (explicit or implicit) also violate Title IX. Title IX broadly prohibits sex discrimination in schools receiving federal funding. Under Title IX, “[n]o person in the United States shall, *on the basis of sex*, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” 20 U.S.C. § 1681(a) (emphasis added). Title IX’s implementing regulations confirm that the nondiscrimination mandate applies to school athletics and generally prohibits sex-separated sports teams. See 34 C.F.R. § 106.41(a). As an exception, recipients are permitted, but not required, to “separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport.” *Id.* § 106.41(b). Where a recipient

chooses to operate or sponsor a single-sex team and opportunities for the excluded sex “have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport.” *Id.*

In *Bostock v. Clayton County*, this Court concluded that gender identity discrimination is necessarily sex discrimination under Title VII of the Civil Rights Act of 1964, *see* 590 U.S. at 660-61, 666-70. As this Court explained, discriminating against a person for being transgender is sex discrimination because “it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex.” *Id.* at 660. For example, a female who is discriminated against because she was designated male at birth is necessarily being discriminated against based on sex—i.e., she would not be subject to discrimination if not for the fact that her designated sex at birth was male. *Id.* In reaching its conclusion, the Court acknowledged that “transgender status” is a distinct concept from “sex,” but observed that sexual harassment and discrimination based on motherhood are also distinct concepts that, unquestionably, still qualify as sex discrimination. *Id.* at 660-61, 669.

Applying the same or similar reasoning as *Bostock*, lower courts have repeatedly and correctly recognized that Title IX’s bar against sex discrimination prohibits discrimination against transgender students. For example, appellate courts have largely concluded that policies barring transgender students from sex-separated spaces that align with their gender identity violate Title IX. As these courts have explained, the discriminator is necessarily relying on students’ sex assigned at birth to deny those students participation in education programs or

activities that align with their gender identity. See *A.C. ex rel. M.C. v. Metropolitan Sch. Dist.*, 75 F.4th 760, 767-68 (7th Cir. 2023), *cert. denied*, 144 S. Ct. 683 (2024); *Grimm*, 972 F.3d at 616; *Whitaker ex rel. Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034, 1046-50 (7th Cir. 2017); *Dodds v. United States Dep’t of Educ.*, 845 F.3d 217, 221 (6th Cir. 2016) (*per curiam*); see also *Parents for Privacy v. Barr*, 949 F.3d 1210, 1228-29 (9th Cir. 2020) (transgender students’ use of sex-segregated spaces that align with their gender identity does not violate Title IX rights of cisgender students); *Doe ex rel. Doe v. Boyertown Area Sch. Dist.*, 897 F.3d 518, 534-35 (3d Cir. 2018). But see *Adams ex rel. Kasper v. School Bd. of St. Johns Cnty.*, 57 F.4th 791, 811-17 (11th Cir. 2022) (*en banc*).

For many of the same reasons that the statutes violate equal protection by irrationally discriminating against plaintiffs on the basis of sex and transgender status (see *supra* at 16-20), the statutes also violate Title IX. They categorically bar plaintiffs and other transgender girls—and no one else—from participating on school athletic teams consistent with their gender identity. For example, B.P.J. began living as a girl when she was three years old and has lived fully as a girl—at school and home—since third grade. B.P.J. has been taking a puberty blocker and has never experienced any of the physiological changes associated with male puberty. (*B.P.J.* Pet. App. 76a.) But the West Virginia Act prohibits B.P.J. from playing on a sports team that conforms with her gender identity and thus excludes her “on the basis of sex.” See *Grimm*, 972 F.3d at 616 (quotation marks omitted).

This discriminatory treatment is unlawful under Title IX because B.P.J. and other transgender girls and women are treated worse than cisgender girls and

women. Based solely on her sex assigned at birth, the West Virginia Act prevents B.P.J. from participating on an athletic team at school with her friends consistent with her lived identity. The West Virginia law singles out B.P.J. based on her sex assigned at birth, without any regard to whether she has any competitive advantage over other students, and forces her either to forgo participation on single-sex sports teams or to participate on teams inconsistent with her gender identity.

The statutes likewise discriminate based on transgender status in violation of Title IX by *categorically* barring transgender girls from participating on sports teams that align with their gender identity. The statutes bar every transgender girl from participating in athletics consistent with her gender identity simply because of the sex she was assigned at birth. The statutes single out transgender girls for discriminatory treatment because they do not affect the ability of cisgender students to participate on sports teams consistent with their gender identity.

Moreover, the statutes do not affect transgender boys who wish to participate on sports teams consistent with their gender identity. The unequal treatment of participants on boys' teams and girls' teams is unequivocally discrimination on the basis of sex. So too is the intrusive sex verification requirement that applies only to participants in female athletics.

United States v. Skrametti, 605 U.S. 495 (2025), does not alter the result here. In *Skrametti*, the Court considered only claims brought pursuant to the Equal Protection Clause of the Fourteenth Amendment and did not consider any statutory claims—let alone claims under Title IX. *See id.* at 500. Indeed, *Skrametti* expressly declined to address whether the reasoning of

Bostock would apply in other statutory contexts. *See id.* at 519-20. *Skrmetti* is also inapposite here because the Court concluded that the Tennessee law under review there did not classify on the basis of sex or transgender status, and instead classified based on two nonsuspect classifications: “age” and “medical use,” i.e., the use of a drug to treat a specific diagnosis. *See, e.g., id.* at 511. The statutes here, by contrast, do not classify based on either of those nonsuspect classifications (or any other nonsuspect classifications). They instead classify and discriminate based on sex.

III. AT A MINIMUM, STATES RETAIN DISCRETION TO PROMOTE INCLUSION OF TRANSGENDER STUDENTS.

Contrary to the suggestions of some of petitioners’ amici (*see, e.g., Br. of Amici Curiae Female Athletes United et al. in Supp. of Pet’rs 19-21 (in B.P.J.)*), States may treat transgender students consistently with their gender identity in athletics and other school activities without violating Title IX. Nothing in the text of Title IX or its implementing regulations supports the extraordinary claim that Title IX requires schools to exclude transgender girls from girls’ sports teams. “There is insufficient evidence to support the assumption that sex can mean only biological sex.” *A.C.*, 75 F.4th at 770. The term is at least broad enough to allow state and local governments to adopt laws or policies that preclude discrimination based on gender identity, without thereby violating Title IX. And certainly nothing in Title IX conscripts the States into policing the bodies of children participating in girls-only sports, as would likely be necessary in some instances to enforce such a regime if Title IX mandates exclusion of transgender girls.

Lower courts have correctly rejected arguments that transgender students’ use of sex-separated spaces that align with their gender identity somehow violates cisgender students’ Title IX rights. These decisions confirm that transgender students’ participation in school activities and programs in accordance with their gender identity is, at a minimum, consistent with Title IX’s nondiscrimination mandate. *See Parents for Privacy*, 949 F.3d at 1228-29; *Boyertown Area Sch. Dist.*, 897 F.3d at 534-35; *see also Grimm*, 972 F.3d at 616-19 (holding that Title IX requires inclusive policy); *Whitaker*, 858 F.3d at 1046-50 (same); *Dodds*, 845 F.3d at 221-22 (same).

Even if petitioners were correct that Title IX’s reference to discrimination “on the basis of sex” refers only to an individual’s sex assigned at birth—and they are not—amici States would still have flexibility to enact inclusive policies. Even courts adopting a restrictive view of Title IX and holding (incorrectly) that Title IX allows schools to separate athletics and restrooms by “biological sex” have recognized that Title IX does not require such policies and that schools “could also separate programs and facilities by gender identity.” *Tennessee v. Department of Educ.*, 104 F.4th 577, 610-11 (6th Cir. 2024).

Affording latitude to States to adopt inclusive policies and laws is consistent with the overarching purpose of Title IX, which is “equal athletic opportunity” for girls and boys. *See* 34 C.F.R. § 106.41(c). As noted above (at 20-23), the experiences of amici States have shown that allowing transgender girls to participate on sports teams aligned with their gender identity does not substantially displace athletic opportunities for cisgender girls. Title IX does not require sex-separated teams to accomplish the goal of equal athletic

opportunity, let alone require teams separated by sex assigned at birth. In fact, where equal opportunities are not available, Title IX may *require* schools to allow cisgender girls to play on the boys' team, or cisgender boys to play on the girls' team.⁴⁸

Beyond the broad goals of Title IX, inclusive policies are also entirely consistent with female students' entitlement to equal treatment and effective accommodation under Title IX. *See Biediger v. Quinnipiac Univ.*, 691 F.3d 85, 92 (2d Cir. 2012). A Title IX equal treatment claim looks at whether the "athletic benefits and opportunities provided male and female athletes" are equivalent in terms of availability, quality, and kind. *Mansourian v. Regents of the Univ. of Cal.*, 602 F.3d 957, 964-65 (9th Cir. 2010) (quotation marks omitted). An effective accommodation claim looks at "[w]hether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes." 34 C.F.R. § 106.41(c)(1). In reviewing such a claim, courts look at a school's entire athletic program to ensure equal participation opportunities. *See Biediger*, 691 F.3d at 92-93.

The participation of transgender girls in girls' sports does not implicate either form of Title IX claim. District courts reviewing factual records have found that transgender students' participation on sports teams consistent with their gender identity did not create unfair competition or unsafe conditions. (*B.P.J.* Pet. App. 83a.) *See A.M. ex rel. E.M. v. Indianapolis Pub. Schs.*, No. 22-cv-1075, 2022 WL 2951430, at *12 (S.D. Ind. July 26, 2022). In terms of sheer numbers, another

⁴⁸ *See, e.g., D.M. v. Minnesota State High Sch. League*, 917 F.3d 994, 1003 (8th Cir. 2019); *Bednar v. Nebraska Sch. Activities Ass'n*, 531 F.2d 922, 923 (8th Cir. 1976) (per curiam).

court observed that it is implausible to suggest that “one half of one percent of the population (transgender women) could” substantially displace roughly half the population (cisgender women) on high school athletic teams. (*Hecox* Pet. App. 237a.) Those observations are consistent with amici States’ experiences with inclusive and equitable school athletics policies as well as available data. See *supra* at 20-23.

In sum, concerns about compromising fair competition rest on baseless assumptions and generalizations concerning the participation of transgender female athletes in sex-separated sports. Indeed, officials in some States supporting petitioners as amici have recognized that no such harm exists. For instance, Indiana’s Governor concluded that no evidence supported claims that “the goals of consistency and fairness in competitive female sports” were not being met under previous policies that allowed for transgender girls to participate on girls’ sports teams.⁴⁹ And Utah’s Governor similarly observed an absence of such problems in Utah, noting that, out of 75,000 high school athletes, only four were transgender: four kids who were simply “trying to find some friends and feel like they are a part of something.”⁵⁰ Title IX, at a minimum, permits state and local governments to afford transgender students those opportunities.

⁴⁹ [Veto Message for H.B. 1041 from Eric J. Holcomb, Governor of Indiana, to Todd Huston, Speaker, House of Representatives, at 1-2 \(Mar. 21, 2022\).](#)

⁵⁰ [Veto Message for H.B. 11 from Spencer J. Cox, Governor of Utah, to J. Stuart Adams, President, Senate, & Brad R. Wilson, Speaker, House of Representatives, at 5 \(Mar. 22, 2022\).](#)

CONCLUSION

The judgments of the United States Courts of Appeals for the Fourth and Ninth Circuits should be affirmed.

Respectfully submitted,

ANNE E. LOPEZ
Attorney General
State of Hawai‘i

KALIKO‘ONĀLANI D.

FERNANDES
Solicitor General

LAUREN K. CHUN

ANDREW Z.M. TEOH
Deputy Solicitors General

LETITIA JAMES

Attorney General
State of New York

BARBARA D. UNDERWOOD*

Solicitor General

JUDITH N. VALE

Deputy Solicitor General

MARK S. GRUBE

Senior Assistant

Solicitor General

barbara.underwood@ag.ny.gov

November 2025

* *Counsel of Record*

(Counsel listing continues on next page.)

ROB BONTA
Attorney General
State of California
 1300 I St.
 Sacramento, CA 95814

PHILIP J. WEISER
Attorney General
State of Colorado
 1300 Broadway
 Denver, CO 80203

WILLIAM TONG
Attorney General
State of Connecticut
 165 Capitol Ave.
 Hartford, CT 06106

KATHLEEN JENNINGS
Attorney General
State of Delaware
 820 North French St.
 Wilmington, DE 19801

KWAME RAOUL
Attorney General
State of Illinois
 100 West Randolph St.
 Chicago, IL 60601

AARON M. FREY
Attorney General
State of Maine
 6 State House Sta.
 Augusta, ME 04333

ANTHONY G. BROWN
Attorney General
State of Maryland
 200 Saint Paul Pl.
 Baltimore, MD 21202

ANDREA JOY CAMPBELL
Attorney General
Commonwealth of
Massachusetts
 One Ashburton Pl.
 Boston, MA 02108

KEITH ELLISON
Attorney General
State of Minnesota
 102 State Capitol
 75 Rev. Dr. Martin Luther
 King Jr. Blvd.
 St. Paul, MN 55155

DAN RAYFIELD
Attorney General
State of Oregon
 1162 Court St. NE
 Salem, OR 97301

PETER F. NERONHA
Attorney General
State of Rhode Island
 150 South Main St.
 Providence, RI 02903

CHARITY R. CLARK
Attorney General
State of Vermont
 109 State St.
 Montpelier, VT 05609

NICHOLAS W. BROWN
Attorney General
State of Washington
P.O. Box 40100
Olympia, WA 98504

BRIAN L. SCHWALB
Attorney General
District of Columbia
400 6th St., N.W., Ste. 8100
Washington, D.C. 20001

APPENDIX

TABLE OF CONTENTS

Page

Appendix – State Statutes with Civil Rights
Protections for Transgender People 1a

Appendix State Statutes with Civil Rights Protections for Transgender People

California <i>Cal. [subject] Code</i>	Civil Code § 51(b), (e)(6) — public accommodations
	Education Code
	§ 220 — education
	§ 221.5(f) — education and school athletic participation
	Government Code
	§§ 12926(o), (r)(2), 12940(a), 12949 — employment
	§ 12955 — housing
	Penal Code §§ 422.55, 422.56(c) — hate crimes
Colorado <i>Colo. Rev. Stat.</i>	§ 24-34-301(10) — definition
	§ 24-34-402 — employment
	§ 24-34-502 — housing
	§ 24-34-601 — public accommodations

Connecticut <i>Conn. Gen. Stat.</i>	§ 10-15c — schools § 46a-51(21) — definitions § 46a-60 — employment § 46a-64 — public accommodations § 46a-64c — housing
Delaware <i>Del. Code Ann.</i>	tit. 6, § 4501 — public accommodations § 4603(b) — housing tit. 19, § 711 — employment
Hawai‘i <i>Haw. Rev. Stat.</i>	§ 302A-461 — school athletics § 368D-1 — education § 489-2 — definition § 489-3 — public accommodations § 515-2 — definition § 515-3 — housing

Illinois <i>Ill. Comp. Stat.</i>	tit. 775, 5/1-102(A) — housing, employment, access to financial credit, public accommodations, and education 5/1-103(O-1) — definition
Maine <i>Me. Rev. Stat. Ann.</i>	tit. 5, § 4553(5-C), (10)(G) — definition § 4571 — employment § 4581 — housing § 4591 — public accommodations § 4601 — education
Maryland <i>Md. Code Ann.</i>	Education § 26-704 — schools State Government § 20-304 — public accommodations § 20-606 — employment § 20-705 — housing

Massachusetts <i>Mass. Gen. Laws</i>	ch. 4, § 7, fifty-ninth — definition ch. 76, § 5 — education ch. 151B, § 4 — employment, housing, credit ch. 272, §§ 92A, 98 — public accommodations
Michigan <i>Mich. Comp. Laws</i>	§ 37.2102(1) — employment, housing, public accommodations, education
Minnesota <i>Minn. Stat.</i>	§ 363A.03(50) — definition § 363A.08 — employment § 363A.09 — housing § 363A.11 — public accommodations § 363A.13 — education
Nevada <i>Nev. Rev. Stat.</i>	§§ 118.075, 118.100 — housing §§ 613.310(4), 613.330 — employment §§ 651.050(2), 651.070 — public accommodations

New Hampshire <i>N.H. Rev. Stat. Ann.</i>	§ 354-A:2(XIV-e) — definition § 354-A:6 — employment § 354-A:8 — housing § 354-A:16 — public accommodations § 354-A:27 — education
New Jersey <i>N.J. Stat. Ann.</i>	§ 10:5-5(rr) — definition § 10:5-12 — public accommodations, housing, employment § 18A:36-41 — issuance of guidance concerning a supportive and nondiscriminatory environment for transgender students
New Mexico <i>N.M. Stat. Ann.</i>	§ 28-1-2(T) — definition § 28-1-7(A) — employment § 28-1-7(F) — public accommodations § 28-1-7(G) — housing
New York <i>N.Y. [subject] Law</i>	Executive Law §§ 291, 296 — education, employment, public accommodations, housing

Oregon <i>Ore. Rev. Stat.</i>	§ 174.100(4) — definition § 659.850 — education § 659A.006 — employment, housing, public accommodations
Rhode Island <i>R.I. Gen. Laws</i>	tit. 11, § 11-24-2 — public accommodations tit. 28, §§ 28-5-6(12), 28-5-7 — employment tit. 34, §§ 34-37-3(9), 34-37-4 — housing
Utah <i>Utah Code Ann.</i>	§ 34A-5-106 — employment § 57-21-5 — housing
Vermont <i>Vt. Stat. Ann.</i>	tit. 1, § 144 — definition tit. 9, § 4502 — public accommodations tit. 9, § 4503 — housing tit. 21, § 495 — employment

Washington <i>Wash. Rev. Code</i>	§ 28A.642.010 — education
	§ 49.60.030(1)(a)-(e) — employment, public accommodations, real estate transactions, credit transactions, and insurance transactions
	§ 49.60.040(29) — definition
	§ 49.60.180 — employment
	§ 49.60.215 — public accommodations
	§ 49.60.222 — housing
District of Columbia <i>D.C. Code</i>	§ 2-1401.02(12A-i) — definition
	§ 2-1402.11 — employment
	§ 2-1402.21 — housing
	§ 2-1402.31 — public accommodations
	§ 2-1402.41 — education