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Supreme Court Title IX Ruling: What School Districts Need to Know

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On June 30, 2026, the Supreme Court issued its decision in [West Virginia v. B.P.J.](#), which addressed whether states laws that limit participation on girls' and women's sports teams to students whose biological sex is female violated Title IX and the Equal Protection Clause of the Fourteenth Amendment. The Court held those laws did not.

In 2020 and 2021, Idaho ([v. Hecox](#)) and West Virginia enacted laws limiting participation on girls' and women's athletic teams to biological females. The laws applied regardless of whether a biological male who identified as female had undergone medical treatment, including puberty blockers or cross-sex hormone therapy. *B.P.J.* and *Hecox*, biological males who identify as female, challenged the state laws as violating Title IX and the Equal

Protection Clause.

The Court held that the laws did not violate Title IX by restricting women's athletics to biological females. The Court held that the term "sex," as used by Congress when it enacted Title IX in the 1970s, refers exclusively to biological sex. The Court further observed that Title IX and its implementing regulations have long permitted schools to maintain separate sports teams based on sex because of the inherent physical differences between biological females and biological males.

The Court also rejected the argument that Title IX requires schools to make exceptions for biological males who identify as female and have received puberty blockers or hormone therapy. Rather, the Court concluded that the laws may rely on a categorical rule to define eligibility to participate in sex-segregated sports based on biological sex, finding that doing so is consistent with Title IX's objectives of promoting fair competition and reducing the risk of injury in female athletics.

The students also argued that restricting them from girls' teams effectively excluded them from meaningful athletic participation because their medical treatment diminished their ability to compete against biological males. The Court rejected that argument as well, concluding that Title IX only guarantees an equal athletic opportunity, not participation on a student's preferred team. Accordingly, the law did not violate Title IX by providing separate male and female athletic teams based on biological sex.

The Court also held that the challenged state laws do not violate the Equal Protection Clause.

The majority explained that limiting athletic participation based on biological sex constitutes a sex-based classification subject to intermediate scrutiny, under which the classification must be "substantially related" to achieving an "important" government objective to be legally permissible. Applying that standard, the Court held that the states' interest in promoting fairness and safety in female athletics constitutes an important governmental objective and that limiting girls' and women's teams to biological females is substantially related to achieving those objectives.

The Court again declined to require individualized determinations for biological males who have received puberty blockers or hormone therapy. Relying on the general physical differences between males and females, the Court reasoned that although some biological males may possess physical and athletic capabilities that fall within or below the range of typical female physical and athletic capabilities, the Constitution does not require states to determine athletic eligibility on an individual basis. Accordingly, the Court concluded that the laws which categorically restrict athletic participation on the basis of biological sex did not violate the Equal Protection Clause.

The Court's logic presumably would apply to a school district that adopts a policy defining eligibility criteria for a student to participation in sex-segregated athletics. The Court, however, did not expressly address other potential Title IX and/or Equal Protection issues relating to transgender students outside the context of school athletics. Nor did the Court's address the impact of any state law that extends legal protections to transgender students. Therefore, it is important for school districts to confer with their solicitors when reviewing or adopting policies to ensure both state and federal law considerations are properly addressed.

If you have any questions regarding how this decision may affect your district's athletic policies, state-law obligations, or other Title IX compliance issues, please contact Jeff Litts at jlitts@saxtonstump.com or any member of our [Education Law](#) Group.

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