

September 28, 2026
Erich Martens, Executive Director
Minnesota State High School
League 2100 Freeway Boulevard
Brooklyn Center, MN 55430-1735

Dear MSHSL Executive Director Martens,

Please find enclosed a proposed amendment to the MSHSL Bylaws. As an MSHSL Member School Designated Representative, I submit this proposed amendment for consideration and voting by all 509 MSHSL Member Schools in the state's 16 Region under MSHSL's Constitution 215 Amendments to General Bylaws and All Activity Bylaws.

MSHSL Constitution 215 provides that a proposed bylaw amendment submitted to the MSHSL Executive Director by five Member Schools before October 15 requires that the League provide the proposed amendment to the MSHSL's 16 Region Committees by November 1 for the Region Member Schools' review, input and vote by February 15. If 9 of MSHSL's 16 Regions vote to support the proposed amendment, it is voted on by the 48 Member Schools designees selected by Region Committees to attend the MSHSL annual Representative Assembly in May. If 2/3 of the representatives present at the Representative Assembly vote in favor of the amendment it is adopted and effective on August 1.

Abbreviated methods for acting on this proposed bylaw amendment are found in MSHSL Constitution 209.03 (3) which permits MSHSL Region Committees to call special meetings at their discretion and in MSHSL Constitution 210.03 (2) which permits 15 members of the Representative Assembly to trigger a special meeting of the body for any purpose at any time.

We believe that the decision by 18 MSHSL Board Members in 2014 to discard the MSHSL biological basis for participation in girls' high school sports in favor of perceived gender identity was in error. It was not presented to Member Schools for action at the time, so it is represented as a Board decision rather than as a MSHSL Bylaw. The Board's decision was also not subject to standard rule making or public notice, a known short-coming of MSHSL process cited by Minnesota's Legislative Auditor in 2017. Further, we believe that MSHSL Board's 2025 decision to defy, rather than cure, the US Department of Education's finding of noncompliance with Title IX was in error. In addition to denying fair competition to girls, that decision jeopardizes each Member School's budget, generally 5-8% of their funding. It is not well-supported by Member Schools or the general public.

We seek to align MSHSL Bylaws with Civil Rights law and Title IX. The previous legal uncertainty of this path was substantially adjudicated by the Supreme Court's decision on June 30, 2026, in *West Virginia v BPJ*, which affirmed the constitutionality of biology-determined sports eligibility. This proposed amendment alleviates the threat of denied federal funds due to noncompliance with Title IX, restores fairness to girls' sports and welcomes gender nonconforming athletes to biology-based competition.

I have sent this letter and proposal by certified mail. I would appreciate your personal confirmation of receipt and confirmation that, assuming timely submission by five Member Schools, MSHSL will distribute the proposed language to all Member Schools before November 1, 2026, and abide by the votes of the MSHSL Regions for possible consideration at a meeting of the MSHSL Representative Assembly in accordance with MSHSL Constitution 215.02 or 210.03 2C.