BOARD POLICY

123.3 Sex Eligibility Criteria for Participation in Interscholastic Athletics

POLICY NUMBER	VERSION	DOCUMENT STATUS	WORKFLOW
123.3	v1.4	UNDER-REVIEW	Second Reading

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I. Background

The District offers its students the opportunity to participate on interscholastic athletic teams at both the middle school and senior high school levels. The District has historically offered students interscholastic athletic opportunities through separate boys' and girls' teams. The purpose of this policy is to define the sex-eligibility criteria for students to participate on those boys' and girls' interscholastic athletic teams.

II. Definitions

These terms shall have the following meanings for purposes of this policy:

"Biological sex" or "sex" – the biological distinction between male and female based on reproductive biology and genetic make-up determined at birth.

"boys' team" – a District interscholastic athletic team designated for boys in Section VI of this policy.

"contact sport" – includes wrestling, football, basketball, field hockey, volleyball, baseball, softball, soccer, lacrosse and other sports whose purpose or majority activity involves bodily contact.

"girls' team" – an interscholastic athletic team designated for girls in Section VII of this policy.

"interscholastic athletic team" – a District sponsored athletic team offered in PIAA sanctioned sport that competes against other secondary schools as identified in Sections VI and VII of this policy.

"mixed team" or "co-ed team" – a District interscholastic athletic team consisting of both boys and girls.

III. Authority

The District must offer interscholastic athletics in a manner that complies with state and federal laws and regulations, applicable court decisions, and the Lancaster-Lebanon League ("League") and Pennsylvania Interscholastic Athletic Association ("PIAA") by-laws and policies which apply to their participating member schools.

The Public School Code of 1949 authorizes the Board to establish reasonable rules and regulations for the management, control and supervision of athletics, and consistent with that authority the Board has previously adopted Policies 123, 123.1, 123.2, 137.1 and 140.1, which address student eligibility criteria for athletics, participation guidelines and safety protocols for interscholastic athletics.

Policy 123 (Interscholastic Athletics) requires "the Board to offer opportunities for participation in interscholastic athletic programs to male and female students on an equal basis as is practical and without discrimination, in accordance with law and regulations." In doing so, the State Board of Education and Title IX regulations allow the District to offer sex-segregated interscholastic athletic teams for boys and girls in contact sports or where the selection for interscholastic athletic teams is dependent upon a student's competitive skills. The District is further guided by the factors outlined in Title IX regulations to ensure both boys and girls are afforded an equal opportunity to participate on interscholastic athletic teams.

Because the District has historically offered students interscholastic athletic opportunities through separate boys' and girls' teams, the Board adopts this policy to place in writing the sex-eligibility criteria applicable to students wishing to participate in interscholastic athletics on boys' and girls' teams.

The Board's development of this policy is also consistent with the PIAA Bylaws and the U.S. Supreme Court's interpretation of Title IX, and its implementing regulations, which address the offering of sex-segregated interscholastic athletic teams, which delegates to the District any decision-making relating to the adoption and/or application of sex-based criteria that may be imposed to determine a student's eligibility to participate in interscholastic athletics on boys' and girls' teams.

IV. Application of Sex Eligibility Criteria for Interscholastic Athletics

The following sex eligibility criteria shall be applied to boys' and girls' teams in interscholastic athletics:

1. Student participation on boys' teams shall be limited to students of the male biological sex; provided, however, a student of the female biological sex may try out for, or participate on, a boys' team when a comparable interscholastic athletic team in the same sport is not offered for girls.
2. Student participation on girls' teams shall be limited to students of the female biological sex.
3. There shall be no sex eligibility criteria for a student to participate in co-ed (rifle), unified sports (track) or intramural sports programs that fall outside of the scope of interscholastic athletics and is open to all students, or for a student to serve as team manager for an interscholastic athletic team.

V. Reasons for Sex Eligibility Criteria in Interscholastic Athletics

Sex-segregated interscholastic athletic teams are being offered through separate boys' and girls' teams in recognition of the following facts and interests:

1. There are inherent physical differences between biological girls and boys.
2. Allowing biological males to play on girls' teams can put girls at significant risk of injuries, especially in contact sports.
3. Allowing biological males to play on girls' teams can put biological female athletes at a serious disadvantage.
4. To comply with Title IX regulations, and court decisions interpreting them, the District will offer girls opportunity to try-out for contact sports teams designated for boys when no comparable girls' team exists.
5. Ensure that the continued integrity of girls' teams are preserved, and to avoid having girls' interscholastic athletic teams reclassified as a "mixed gender team" for post-season purposes under PIAA By-Laws, Article XVI, Section 4 (Mixed Gender Participation).

VI. Designation and Sex Eligibility Criteria for Boys' Teams

The following interscholastic athletic teams are offered in the following seasons and offered as boys' teams:

Fall – football, soccer, cross country and golf

Winter – basketball, bowling, wrestling, and swimming & diving

Spring – baseball, track and field, tennis, volleyball and lacrosse

VII. Designation and Sex Eligibility Criteria for Girls' Teams

The following interscholastic athletic teams are to be offered in the following seasons and offered as girls' teams:

Fall – volleyball, soccer, field hockey, cross country, tennis, golf

Winter – basketball, swimming & diving.

Spring – softball, track and field, and lacrosse

VIII. Exempted Activities

This policy shall not apply, or otherwise be construed to restrict or limit student participation due to either sex, in any of following District-sponsored activities:

1. Coed interscholastic athletic teams that may be designated by the District.
2. Intramural teams or sports, which are not considered a part of an interscholastic athletic program addressed under this policy, which may be offered by a District school.
3. The unified track team offered by the District.
4. The opportunity for a student to serve as team manager for an interscholastic athletic team.

IX. Policy Review

This policy shall be referred to the School Board's policy committee for review if any of the following occurs:

1. The Pennsylvania Supreme Court or Pennsylvania Commonwealth Court issue an opinion interpreting the Pennsylvania Human Relations Commission regulations at 16 Pa. Code. Chapter 41, Subchapter D as it relates to sex eligibility criteria for interscholastic athletics to the extent such ruling finds a transgender student may participate a sex-segregated interscholastic athletic team consistent with the student's gender identify.
2. The PIAA or League issues a new by-law, policy or an interpretation thereof relating to sex eligibility criteria for interscholastic athletics that is inconsistent with the terms of this policy.
3. A state or federal law becomes effective that addresses sex eligibility criteria for interscholastic athletics.

The purpose of this mandated review is to determine whether this policy shall be amended in any way in response to any of these legal developments. The School Board, in its discretion, may elect to review this policy at any time for any reason.

In the event the District's athletic opportunities change following the adoption of this Policy, the Superintendent and Athletic Director are authorized to make non-substantive revisions to this Policy solely for the purpose of updating the District's identified athletic opportunities to accurately reflect the programs offered by the District. Such revisions shall not require the formal policy adoption procedures set forth in Board Policy 003, provided they do not alter the substantive rights, obligations, or requirements established by this Policy.

X. Administrative Guidelines

The Superintendent and Athletic Director shall develop administrative guidelines necessary to implement and ensure compliance with this Policy. Such administrative guidelines shall be implemented no later than one hundred eighty (180) days following the Board's adoption of this Policy and updated thereafter as needed.

1. ^
   34 C.F.R. § 106.41(b); *Williams v. Bethlehem Area School District,* 998 F.2d 168, 173-174 (3d Cir. 1993) (discussing whether field hockey is a "contact sport" for purposes of Title IX); *West Virginia et al. v. B.P.J. by her next friend and mother, Heather Jackson,* No. 24-43 (U.S. June 30, 2026), Opinion of the Court at p. 16 ("The safety risks are at their apex in contact sports, such as soccer, basketball, field hockey, lacrosse and ice hockey, among others…And safety risks also exist in ostensibly non-contract sports, such as volleyball, where spiked balls can cause serious injuries, and softball, where line drives can similarly cause significant harm.")
2. ^
   24 P.S. § 5-511(a)("The board of school directors in every school district shall prescribe, adopt and enforce such reasonable rules and regulations as it may deem proper regarding (1) the management, supervision, control or prohibition of…athletics….").
3. ^
   Policy 123 (Interscholastic Athletics)
4. ^
   22 Pa. Code § 4.27(f) ("Interscholastic and intramural teams playing contact sports may be separated by sex, but this subsection may not be used to exclude students of either sex from participating in a sport.")
5. ^
   34 C.F.R. § 106.41(b) ("[A] recipient may operate or sponsor 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. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that 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. For the purposes of this part, contact sports include boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.")
6. ^
   34 C.F.R. § 106.41(c).
7. ^
   2025-2026 PIAA By-laws, Art. XVI, Section 1.E at p. 38 ("Where a student's sex is questioned or uncertain the decision on the school as to the student's sex will be accepted by the PIAA. In accordance with the Presidential Executive Order 14201…")

8. ^

   West Virginia et al. v. B.P.J. by her next friend and mother, Heather Jackson, No. 24-43 (U.S. June 30, 2026) (holding Title IX and the Equal Protection Clause does not prohibit an educational institution to provide separate women's and men's sports teams defined by biological sex).

9. ^

   B.P.J., Opinion of the Court at p. 10 ("[T]he Title IX regulations allowed separate sports teams precisely because the biological difference between the sexes – namely, the inherent physical differences between biological women and biological men.").

10. ^

    Id. at p. 12 ("With respect to safety, allowing biological males to play on women's and girls' sports teams put women and girls at significant risk of injuries. The safety risks are particularly severe in contact sports.")

11. ^

    Id. ("And as to competitive fairness, allowing biological males to play on women's and girls' sports teams can put female athletes at a serious disadvantage.")

12. ^

    2025-2026 PIAA By-Laws, Art. XVI, Section 4.B ("Girls may play on a Boy's Team if the student's school does not sponsor a comparable Girls' Team in that sport.").

13. ^

    Williams v. Bethlehem Area School District, 998 F.2d 168, 175 (3d Cir. 1993) ("[W]e must note that although title IX and the regulation apply equally to boys as well as girls, it would require blinders to ignore that the motivation for promulgation of the regulation on athletics was the historic emphasis on boys' athletic programs to the exclusion of girls' athletic programs in high schools as well as colleges.")

14. ^

    2025-2026 PIAA By-Laws, Art. XVI, Section 4.D ("For Postseason purposes, Mixed Gender Teams … shall compete only in the sport classifications designated for boys.").