MINNESOTA STATE HIGH SCHOOL LEAGUE

Bylaw 101 Amendment Proposal

Submitted on
October 15, 2026

Indicate the category of the proposed recommendation
The proposed amendment is regarding the General Eligibility Bylaws located in the 100.00 series of bylaws. This category determines a student's initial eligibility and is the responsibility of the member school to enforce for the students participating in their school's athletic programs.

Activity/Activities (Check all that apply)
This proposed amendment would apply to all sports in which sex-separated teams are identified as separate programs. (i.e., basketball, cross country, hockey, etc.)

Authors of the Proposal
The Constitution of the Minnesota State High School League states that "Proposed amendments and resolutions may be submitted: By the designated school representatives of the five or more member schools." The following school districts or designated school representatives from school boards have submitted this amendment proposal.

- Detroit Lakes Public Schools School Board
- ISD 728 School Board (Elk River H.S., Rogers H.S., Zimmerman H.S.)
- Forest Lake Area Schools School Board
- Randy Heidmann, MSHSL School Board Representative, Brainerd Public Schools
- Leigh King, MSHSL School Board Representative, Caledonia Area Public Schools
- Danny Olmstead, MSHSL School Board Representative, Hutchinson Public Schools
- Rhonda Moore, MSHSL School Board Representative, Jackson County Central Schools
- Matthew Hoheisel, MSHSL School Board Representative, Pierz School District
- Trevor Houn, MSHSL School Board Representative, Tri-City United Public Schools
- Gus Booth, MSHSL School Board Representative, Warroad Public Schools

Authors may be contacted through their respective school board contact information at their local school district.

Current Rule/Policy
State the rule/policy as it appears in the current MSHSL Handbook or Activity/Sport Specific Rules and Policies.

BYLAW 101.00 AGE
Cross Reference: Bylaw 109 (Seasons of Participation) and Bylaw 110 (Semesters Enrolled)

A student who turns 20 during the 11th or 12th semester since first entering the 7th grade shall be allowed to participate through the completion of the 12th semester.

Students who participate in the Adapted Athletics Program shall be under 22 years of age. A student under age 22 who has started a sport season will be permitted to complete that sports season.

Proposed Recommendation

Submit your proposed change to the above-stated rule/policy.

Amend Bylaw 101.00 as follows[1]:

BYLAW 101.00 AGE AND SEX
Cross Reference: Bylaw 109 (Seasons of Participation) and Bylaw 110 (Semesters Enrolled)

A student who turns 20 during the 11th or 12th semester since first entering the 7th grade shall be allowed to participate through the completion of the 12th semester.

Students who participate in the Adapted Athletics Program shall be under 22 years of age. A student under age 22 who has started a sport season will be permitted to complete that sports season.

A student who participates in a sex-separated sport shall participate on the team consistent with their biological sex at birth.

Include any other policies that are impacted by this proposal.

The Authors are also requesting that the MSHSL:

Make conforming changes to the Eligibility Information Brochure for MSHSL Programs which is used as attestation of compliance with MSHSL eligibility criteria and is required to be signed annually by each athlete and a parent/guardian as a condition of MSHSL participation.

Amend Bylaw Series 300, Fair Hearing Procedure, section 3 as follows: Repeal MSHSL's Eligibility Appeal Procedure for a Transgender Student which was imposed in 2014 through the MSHSL Board's adoption of a new policy rather than through a Member School vote under MSHSL Constitution 215.00. Revert to resolution and escalation of eligibility disputes using the established Fair Hearing Procedure (300).

Amend Bylaw Appendix as follows: Repeal APPENDIX: Board Policy: A Code of Commitment to Diversity, Equity, Inclusivity and Belonging adopted by the MSHSL Board in 2023. Revert to adjudication of good sportsmanship/good standing under existing bylaws including 209.00, 409.00, the Student Code of Responsibilities in 206.2, Fair Hearing Procedure (300) and the Board Policy on Sexual, Racial and Religious Harassment, Violence and/or Hazing (APPENDIX).

[1] Regular text indicates existing language of MSHSL Bylaw. Underlined text indicates proposed new language to Bylaw. ~~Stricken~~ text indicates proposed deleted language in Bylaw. *Italicized* text gives conforming and drafting instructions.

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Rationale Provided By The Authors

Why propose this amendment to MSHSL Bylaws?

The MSHSL Board and State leaders required Member Schools to sort high school sports teams based on gender identity rather than on biological sex through Board policy passed in 2014. Many of those affected by this decision support decency and concern for athletes struggling to accept their biology while also expecting safety and fair play in girls' sports. Member Schools have the opportunity to adopt this popular and lawful biology-based eligibility policy by providing their feedback to their region committees and the Representative Assembly as described in the MSHSL Constitution.

Why propose this amendment now?

Four reasons:

1. Minnesota girls face the compromises of MSHSL's gender affirmation maximalist approach to safety and fair play whenever they compete.
2. Member Schools are in imminent jeopardy of losing federal funding after the MSHSL's year of defiance and legal battle for not adopting a Title IX compliant (biology-based) definition of sports eligibility.
3. The authority of the MSHSL to officiate rules-based events continues to erode by its own flaunting of official oversight and Member School objections.
4. Lastly, while the *West Virginia v BPJ* decision by the Supreme Court released on June 30, 2026, did not automate an eligibility change in Minnesota as it did in many other states, it resolved precedent-setting questions at the federal level that make sex-separated sports team eligibility legally acceptable and determine that biology-based eligibility is not discrimination based on gender identity.

What does the amendment propose to change?

1. It adds a requirement to MSHSL Bylaw 101 that students participating on sex-separated teams compete on the team consistent with their biological sex at birth. It further instructs that the attestation of eligibility document that is signed by students and a parent as a condition of participation be updated to include this new requirement.
2. It would require the repeal the MSHSL Board declaration that Member Schools must allow biological males (described as transgender girls) to compete on girls' teams and the associated appeal procedure that the MSHSL Board adopted in 2014 and 2016. Future disputes regarding eligibility related to sex or gender will be handled through the same processes that the Member School and the MSHSL Board use for other eligibility disputes.
3. It requests the repeal of the statement on DEIB that the MSHSL Board adopted in 2023 which is used to advance reinterpretations of common terms like *inclusivity*, *discrimination and belonging* and to require compliance with novel concepts such as *gender fairness*. Related MSHSL trainings and marketing make personal endorsement of the participation of certain males (those claiming a feminine gender identity) on female teams a condition of good sportsmanship/good standing (which is an eligibility requirement for student athletes and coaches). Future disputes regarding conduct and good standing will be evaluated using established MSHSL bylaws and policies.

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Staff Analysis: The following sections are responses provided by MSHSL Staff

Impact

How does your proposal affect this activity, including its impact on all classes, areas of the state, and variety of schools

The proposed amendment has the same impact on all sex-separated sports. If passed and implemented, all participants in sex-separated sports must compete on the team that aligns with their biological sex at birth. If passed and implemented, the proposed amendment could impact the opportunity for girls to participate on the boys teams in sex-separated sports.

Administration

How does your proposal impact section and state tournaments?

School Administrators will be required to be knowledgeable about Bylaw 101.00 and administer it as written. There are no other specific impacts to section and state tournaments.

Length of Tournament

How does your proposal impact the needed competition time for section and state tournaments?

The Proposed Amendment will not have any impact on the time needed for section and state tournaments.

Participants

How does your proposal impact the number of participants/teams?

The Proposed Amendment will not have any impact on the number of participants/teams in the section and state tournaments.

How does your proposal impact the percentage of participants/teams that would qualify for the state tournament?

The Proposed Amendment will not have any impact on the percentage of participants/teams that would qualify for the state tournament.

Facilities

How does your proposal impact the facilities needed to accommodate your recommendation at both the section and state level?

The Proposed Amendment will not have any impact on the facilities needed to accommodate this proposal at either the section or state level.

Awards

How does your proposal impact the number of awards at both section and state?

The Proposed Amendment will not have any impact on the number of awards at both the section and state tournaments.

Cost analysis of the proposal

The Proposed Amendment proposal does not create any known increases in cost.

Potential precedence for other activities

This Proposed Amendment applies to all sex-separated sports and will not create precedence for other activities.

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Representative Assembly Process and Timeline

Constitution 210.01 Function of the Representative Assembly: The Representative Assembly is the legislative body of the Minnesota State High School League in making and changing bylaws. Its function is to consider all bylaw proposals set before it by the designated school representatives of Member Schools, region committees, the Board of Directors, and officers of the representative associations after recommendation by the League's Administrative Region Committees; to weigh the merit of such proposals in relation to the welfare of the League; and to accept or reject them as a part of the Activity Bylaws of the League or in the form of resolutions. It shall review reports of the League activities, finances and concerns.

Key Dates (*2026-2027 MSHSL Official Handbook, Constitution 215.02*):

- **October 15:** Bylaw amendment proposal submitted to the League Office.

- **November 1:** League Office sends bylaw amendment proposal and additional information to its Member Schools and each Region Committee.

- **December 15:** Each Member School is asked to discuss the proposed amendment with their local advisory committee (Constitution 208.03) and at a meeting of the school's or district's governing board. The purpose of this discussion is to gather input from the local school and school community regarding the effect of the proposed amendment. Each school should provide their input to their Region Committee members or to their Administrative Region's Executive Secretary by December 15 of each year.

- **February 15:** Region Committees must respond to League office by voting yes or no to approve sending the amendment to the Representative Assembly. At least nine (9) of the sixteen (16) Regions must vote yes to move the amendment forward. Each Region's Executive Secretary will identify the number of committee members who support and those who do not support the proposal(s).

- **May 11, 2027:** The League's Representative Assembly holds its annual meeting. Should the proposed amendment be advanced by region committee vote, the Representative Assembly will take action on the proposed bylaw amendment.

Note: The back of this document contains the Representative Assembly Process from the 2026-2027 Minnesota State High School League Official Handbook.

Minnesota State High School League

REPRESENTATIVE ASSEMBLY PROCESS

October 15

Amendments submitted to League office by:

1. The Designated School Representative of five (5) or more schools
2. Any Region Committee
3. Board of Directors
4. Action of Representative Assembly
5. Officers of each activity association (MnIAAA, MSHSCA, MMEA, CTAM)

November 1

League office sends proposed amendments to each member school and each Region Committee

Each member school is asked to discuss the proposed amendment with their local advisory committee (Constitution 208.03) and at a meeting of the school district/ member schools' governing board. The purpose of this discussion is to gather input from the local school and school community regarding the effect of the proposed amendment. Each school should provide their input to their Region Committee members or to their Administrative Region Committee Secretary by December 15 of each year.

Class A Regions

1A
2A
3A
4A
5A
6A
7A
8A

Class AA Regions

1AA
2AA
3AA
4AA
5AA
6AA
7AA
8AA

By February 15

Region Committees must respond to League office by voting yes or no to approve sending the amendment to the Representative Assembly.

At least nine (9) of the sixteen (16) Regions must vote yes to move the issue forward.

Yes = 9 or more No = Fewer than 9

Each Region Secretary will identify the positive and negative points regarding each proposed item and identify the number of committee members who support and those who do not support the proposal(s).

The Board of Directors may approve any amendment submitted outside the above referenced timelines as an emergency amendment if two-thirds of the members of the Board of Directors approve the submission.

The League's Representative Assembly will meet as determined by the Board of Directors to vote on any proposed amendment(s).

If approved, the amendment(s) becomes effective at the start of the next school year.

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MSHSL Bylaw 101.00 Proposal

October 29, 2026

Frequently Asked Questions:

1. **What is the Proposed Language for Bylaw 101.00?**
   A: Bylaw 101.00 currently defines the limits of age for participation in MSHSL Activities. The proposed language for the Bylaw is: (**Bold** is new language)

   > A student who turns 20 during the 11th or 12th semester since first entering the 7th grade shall be allowed to participate through the completion of the 12th semester.
   >
   > Students who participate in the Adapted Athletics Program shall be under 22 years of age. A student under age 22 who has started a sport season will be permitted to complete that sports season.
   >
   > **A student who participates in a sex-separated sport shall participate on the team consistent with their biological sex at birth.**

2. **What is the Process to Review and Vote on the Proposal?**
   A: The Representative Assembly Process is outlined on page 6 of the *2026-2027 MSHSL Official Handbook.* An attachment in this packet provides an outline and appropriate steps. In short, the proposal must be forwarded by vote of the Region Committees, when nine or more regions vote in favor of advancing the proposal to the Representative Assembly. The Representative Assembly would then vote on it at its annual meeting in May.

3. **What is the role of each Member School?**
   A: Each Member School is requested to fully review the proposal through its administration, school board and its Local Advisory Committee (MSHSL Constitution, Art. 208.03) as recommended in the MSHSL Constitution. Following review, their feedback should be forwarded to its respective Region Committee.

   a. **Does our local school board vote on the proposal?**
      A: No, local school boards do not vote on the proposal. The only votes are by the Region Committee and potentially the Representative Assembly (should the proposal advance). Member Schools only provide feedback to the Region Committee. Feedback may be provided in written or verbal form to the Region Secretary, the entire region committee or to a region committee member.

4. **What is the role of the Region Committee?**
   A: The Region Committee shall be responsible for the immediate and general supervision of the region events assigned by the Board of Directors. It also is responsible for voting on any bylaw amendment proposals on behalf of its region membership.

   a. **What is the question that is in front of each Region Committee?**
      The question to be voted on is "Should the proposed bylaw amendment be advanced to the Representative Assembly for their consideration?"
   b. **What is the voting process for Region Committees?**
      A: Voting is done by the 12 Region Committee members at an appropriately called Region Committee meeting.
   c. **What is the quorum requirement and what is the threshold to approve advancing an amendment proposal at the Region Committee meeting?**
      A: Region Committee meetings require 50% (1/2) of Region Committee to be in attendance to reach a quorum and in voting a majority of the Region Committee members in attendance at the meeting are needed for approval. (MSHSL Constitution Art. 213.00)
   d. **Are Region Committee members able to be replaced by a proxy?**
      A: Yes, if a Region Committee member is unable to attend a Region Committee meeting, a proxy (a duly designated alternate) may be selected by the Member School of its voting member to represent and vote in the meeting.
   e. **How is an abstention counted by the Region Committee?**
      A: Should an attending Region Committee member choose to abstain from a vote, it is counted as a "no" vote for purposes of determining passage of a motion.

5. **Are Region Committees able to hold virtual meetings?**
   A: Yes, Region Committees may host virtual meetings, with the appropriate timelines and notification.

   a. **What are the requirements of a virtual meeting in terms of agenda, posting, public meeting requirements, voting, etc.?**
      A: A virtual meeting must meet the following requirements:
      - If a meeting is conducted virtually, the Region must provide notice of the regular meeting location and the fact that members may participate in the meeting by interactive technology. To the extent practical, a public body must allow a person to monitor the meeting electronically from a remote location (e.g., allow members of the public to appear remotely).
      - All voting members of the Region participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
      - The Region does not need to provide notice of the location of members participating remotely.
      - Members of the public present at the regular meeting location of the Region can hear and see all discussion and testimony and all votes of members of the body;

- At least one member of the body is physically present at the regular meeting location; and
- All votes are conducted by roll call so each member's vote on each issue can be identified and recorded.
- The minutes for a virtual meeting must reflect the names of any members appearing remotely and state the reason or reasons for the remote appearance.

6. **What is the role of the MSHSL Representative Assembly?**
   A: The Representative Assembly is the legislative body of the Minnesota State High School League in making and changing bylaws. It consists of 48 delegates, three from each region.

   a. **When does the Representative Assembly meet?**
      A: The Representative Assembly meets annually on the second Tuesday in May. This year the Representative Assembly meets on Tuesday, May 11, 2027.
   b. **Who votes at the Representative Assembly?**
      A: The 48 duly selected delegates or their identified proxies.
   c. **How are these delegates selected?**
      A: Each Region Committee selects their three delegates and elects them by vote in a Region Committee meeting.
   d. **Are proxies allowed at the Representative Assembly?**
      A: Yes, Region Committees may identify proxies for a delegate should a previously selected Representative Assembly Delegate be unable to attend the meeting. Delegate Proxies should be identified and the League Office notified at least 7 calendar days in advance.
   e. **What is the threshold to approve a bylaw amendment proposal?**
      A: The vote on a Bylaw Amendment Proposal at the Representative Assembly requires a two-thirds majority for approval. (MSHSL Constitution, Art. 215.01)

7. **What is the role of the MSHSL Board of Directors?**
   A: The MSHSL Board of Directors is responsible for ensuring that the Representative Assembly process is followed according to the bylaws through the administration of League Staff. The Board of Directors does not vote on the proposal.



SUMMARY OF CURRENT LAW

- The United States Supreme Court has ruled that, under Title IX, a state "may limit women's and girls' sports teams to biological females." *West Virginia v. B.P.J. (consolidated with Little v. Hecox)*, 146 S. Ct. 2356, 2367 (2026). In *B.P.J.*, the United States Supreme Court did not decide the question of whether, under Title IX, states may allow transgender females to participate on girls' and women's sports teams. *West Virginia v. B.P.J.*, 146 S. Ct. at 2367 fn.1.

- 27 states have currently passed laws restricting transgender participation. The Minnesota Legislature has not passed a law restricting transgender participation in high school sports; instead, the Legislature passed the Minnesota Human Rights Act ("MHRA") which guarantees access to all educational benefits and access to all school programming.

- The MHRA states: "It is an unfair discriminatory practice to discriminate in any manner in the full utilization of or benefit from any educational institution, or the services rendered thereby to any person because of race, color, creed religion, national origin, sex, gender identity." Minn. Stat. § 363A.13, subd 1.

- The Minnesota Attorney General has issued an opinion that the "MSHSL would violate the MHRA by prohibiting transgender athletes from participating in extracurricular activities according to their gender identity."

MN AG Op. 1035, at 2 (Feb. 20, 2025). The AG's opinion is legally binding until the question involved is decided by a court of competent jurisdiction. Minn. Stat. § 8.07. Litigation on this issue in Minnesota remains pending.

- Recent legislative attempts to restrict transgender participation in Minnesota have failed. During the 2025-2026 biennium, bills were introduced in both the House and Senate designed to limit transgender participation in athletic teams.
    - House File 12, failed to pass out of the House (see Journal of the House 4/07/2026).
    - The Senate version of the bill did not make it out of the Senate Education Policy Committee. (See SF 916 Status in the Senate, 94th Legislature (2025-26).

- The Minnesota Court of Appeals has ruled that requiring a transgender student to use a different locker-room facility because of their sexual orientation is discrimination under the plain language of the MHRA. *N.H. v. Anoka-Hennepin School Dist.*, 950 N.W.2d 553, 560 (Minn. App. 2020).

- The Minnesota Human Rights Act has broad application and therefore, school districts, the MSHSL, employers, and other governmental entities in Minnesota could be subject to monetary damages for violating Minnesota Statute. Minn. Stat. § 363A.29, subd. 4.

Respectfully,

Kevin M. Beck, MSHSL General Counsel
Roger Aronson, MSHSL Lobbyist and Legal Counsel