



# SCOTUS Holds that States Can Ban Transgender Athletes from Girls' and Women's Sports Teams

## Blogs

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In rulings in two cases addressing high school and college athletics, the Supreme Court held that states can ban transgender athletes from girls' and women's sports teams without violating Title IX or the Fourteenth Amendment.

The Court decided two cases—*Little v. Hecox* and *West Virginia v. B.P.J.*—that challenged state laws barring transgender women and girls from participating on girls' and women's sports teams.

## The Challengers

Lindsay Hecox is a transgender woman who was prohibited from participating on the women's track and cross-country teams at Boise State University.

B.P.J. is a 15-year-old West Virginia high school student who has publicly identified as female since third grade. She takes medication to prevent the onset of male puberty and has begun estrogen hormone therapy. Her mother, Heather Jackson, sued on her behalf after learning that West Virginia's law would bar B.P.J. from participating on girls' middle school sports teams.

## The State Laws Being Challenged

Both cases challenge similar state laws in Idaho and West Virginia that ban transgender women and girls from participating in female athletic teams. The Idaho Fairness in Women's Sports Act imposes a categorical ban on transgender women and girls participating on women's and girls' sports teams in public schools at all levels, from elementary school through college.

West Virginia's Save Women's Sports Act bars transgender women and girls from participating on women's and girls' sports teams in public secondary schools and colleges.

In addition to the state laws, on Feb. 5, 2025, President Donald Trump issued an executive order directing the federal government to revoke funding for schools that allow transgender women and girls to compete on girls' and women's teams, calling such participation "demeaning, unfair, and dangerous to women and girls."

### **Key Precedent**

The Supreme Court has addressed transgender issues in prior decisions. In the 2020 decision in *Bostock v. Clayton County*, the Court held that Title VII's ban on employment discrimination "because of sex" protects gay and transgender employees. Justice Neil Gorsuch wrote that firing someone for being homosexual or transgender is firing that person because of sex. In the 2025 decision in *United States v. Skrmetti*, the Court upheld Tennessee's ban on certain medical treatments for transgender minors. The Court emphasized that the law drew distinctions based on age and treatment purpose rather than sex, and that the Court had not recognized transgender people as a suspect or quasi-suspect class.

### **The Supreme Court Decision**

On June 30, 2026, writing for the Supreme Court, Justice Kavanaugh upheld the states' bans on transgender women participating in female athletic teams.

The Court held that Title IX permits schools to offer separate men's and women's teams defined by biological sex and that West Virginia's approach is consistent with Title IX. Relying on Title IX and longstanding regulations allowing separate teams, the Court said "sex" in this context means biological sex, not gender identity – particularly given the inherent physical differences between biological men and women in sports. The Court rejected arguments that Title VII and *Bostock* compel a different result, explaining that employment rules and team eligibility in sports involve different statutory and factual contexts.

On the Fourteenth Amendment claim, the Court applied intermediate scrutiny and concluded that the states' sex-based classifications are substantially related to important interests in safety and competitive fairness, so schools may determine eligibility for girls' and women's sports based on biological sex. The Court declined to require individualized exceptions for transgender athletes taking puberty blockers or hormones, reasoning that equal protection does not mandate case-by-case carveouts and that legislatures and schools are better positioned to draw lines in an area of medical uncertainty. The Court also stated that the state laws classify athletes based on biological sex, not gender identity. In any event, the Court concluded that the state laws would satisfy rational basis test or intermediate scrutiny.

The Court said *Bostock*'s Title VII employment analysis does not control athletics in education, where Title IX and its regulations expressly allow sex-separated teams.

Justice Sotomayor, joined by Justices Kagan and Jackson, concurred in the judgment in part and dissented in part; Justice Jackson also wrote separately. The concurrences underscored Spending Clause clarity and consistency with *Bostock*'s framework, while the dissents argued the Court cut off needed fact-finding on whether excluding certain transgender girls actually furthers fairness and safety and cautioned against an unduly narrow view of Title IX's concept of sex.



## Moving Forward

While the political and societal implications of the decision are substantial, the impact on college athletes is likely minimal. In 2024, Charlie Baker, president of the NCAA, testified to a Senate panel that he was aware of fewer than ten transgender athletes who currently competed in college sports out of more than a half million total athletes across all three divisions.

Nonetheless, university presidents, athletic directors, and coaches can expect to be asked for their reactions to the ruling. Noting the limited practical impact the ruling has may prove to be the most common sense way to avoid the trickier political and societal impact the decision will undoubtedly present.

It is also important to understand your particular state's law. The Supreme Court's ruling does not ban transgender athletes from competing in girls' and women's sports nationwide, but it does open the door for enforcement of state laws that ban transgender participation. States that currently have transgender sports bans include Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Indiana, Idaho, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming.

Finally, the cases decided today addressed whether states may ban trans athletes. The next issue that may come before the Court could be about whether states must ban trans athletes under Title IX. In any event, there is more to come regarding transgender athletes participating in high school and college sports.

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