Supreme Court Affirms State Authority to Limit Sports Participation Based on Biological Sex

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By: David Disler

With many school leaders asking whether the Supreme Court's recent ruling on transgender athletes affects existing policies and practices, New Jersey districts should be aware that state requirements governing transgender students remain unchanged.

Background

On June 30, 2025, the United States Supreme Court issued its decision in *West Virginia v. B.P.J.*, a case challenging West Virginia's "Save Women's Sports Act," which restricted eligibility for girls' and women's school sports teams to biological females. The plaintiff, a transgender girl identified as B.P.J., argued that the law violated Title IX's prohibition on sex discrimination in federally funded educational programs and the Equal Protection Clause of the Fourteenth Amendment.

Writing for the majority, Justice Kavanaugh held that the Equal Protection Clause permits states to maintain sex-separated sports teams and to determine eligibility based on biological sex. He further explained that such policies substantially relate to an important state interest in ensuring fair athletic competition.

The ruling is significant because it establishes that states may lawfully enact legislation restricting transgender athletes from competing on teams aligned with their gender identity, thereby resolving a contentious issue that had divided lower courts and state legislatures across the country. Though the decision does not mandate any particular policy, it provides a constitutional foundation for states choosing to impose such restrictions, with substantial implications for educational institutions, Title IX compliance, and ongoing litigation in this evolving area of law.

What Does This Mean For NJ Schools?

The Supreme Court's ruling does not place any specific mandates on state schools, including New Jersey schools. Instead, the Supreme Court's decision provides states permission to restrict eligibility on the basis of biological sex, which New Jersey has not done.

Of particular importance, New Jersey has its own set of policies, laws, rules, and regulations to which New Jersey schools must continue to adhere. The New Jersey State Interscholastic Athletic Association (NJSIAA) Transgender Policy allows students to participate in sports either according to their birth sex or according to their gender identity, but they must choose one. Member schools have the option to appeal confidentially a transgender student's eligibility if questions arise.

As the NJ Department of Education has made clear, New Jersey law requires school districts to take several steps to support transgender students. Schools must maintain a safe environment free from discrimination and harassment. They must allow transgender students to participate in activities that are separated by gender — such as sports teams, locker rooms, or classroom groupings — in accordance with the student's gender identity. *See New Jersey Department of Education's Transgender Student Guidance for School District*.

Conclusion

Though the Supreme Court's decision in *West Virginia v. B.P.J.* marks a significant development in the national landscape regarding transgender athlete eligibility, New Jersey schools should continue to follow existing state law and NJSIAA policies, which remain unchanged. School districts should use this decision as an opportunity to review their policies and procedures concerning transgender students and athletic participation. Porzio's Education Team is available to help districts assess compliance, address emerging issues, and navigate this evolving area of law.

Adam Soltan, Summer Associate, contributed to the development of this article.