

**How do legal policies regarding transgender women's participation in women's sports at high school and college levels in New York impact gender equity and fairness for athletes?**

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**Introduction**

In April 2025, the small community of Shirley, Long Island, was thrust into a national debate over transgender athletes when a 14-year-old transgender girl joined the girls' varsity track team at William Floyd High School. Standing at six feet tall and competing in sprinting events, the freshman's presence on the team sparked protests among parents and students, raising concerns over locker-room privacy and competitive fairness. Her participation, though welcomed by some as a positive step toward inclusion, was met with protests from others who argued that this gave her an unfair advantage. According to the *New York Post*, the controversy escalated to the point where local officials worried that the student's participation could cost the district up to \$13 million in state funding due to anti-discrimination laws ("Trans Teen on Girls Track Team"). While some defended the student's right to compete as aligned with her gender identity (her internal sense of her gender), others claimed that her participation created an unfair advantage in a sport where physical traits can determine the outcome. This incident, though localized and normalized in our day-to-day society, echoed a broader national debate surrounding transgender athletes and the rules governing their participation in sex-segregated sports that continues to unfold in courtrooms, legislatures, and school districts across the country.

The inclusion of transgender women, women assigned male at birth but who identify and live as women and often receive hormone-based and other gender-affirming care, in women's sports remains one of the most contentious issues in modern athletics and education. Additionally, transgender is an adjective used to describe a person who does not identify as the gender they were assigned at birth. Consequently, supporters argue that denying transgender women the right to compete according to their gender identity violates their civil rights and devalues their personhood. Opponents counter that physical differences from male puberty, such as greater muscle mass or aerobic capacity, may provide a lasting advantage even after hormone therapy.

They raise questions about fairness, which refers to just treatment that takes each individual's situation into account. At the heart of the debate is a deeper distinction between equality, which involves treating all athletes the same, and equity, which means recognizing differences and ensuring that treatment or rules are adjusted fairly to provide all participants with a legitimate opportunity to compete. This is where the principle of gender equity comes in: ensuring fair participation across all gender identities by acknowledging both historical disadvantages and physical diversity. The conversation becomes especially intense in youth sports, where the stakes—such as college scholarships, team selection, and athletic records—can shape crucial future opportunities.

In February 2025, Executive Order 14201 from President Trump targeted educational institutions (K-12 and post-secondary) and professional athletic associations that allow transgender women and girls to participate in female sports.. Many states, including New York, have resisted this directive, citing Title IX protections and DOE (Department of Education) policies. School sports are linked to self-esteem, teamwork, and emotional health. Denying transgender youth access can affect not only athletic participation but also their social belonging and identity development. These issues extend beyond athletes, encompassing questions of sporting integrity, legal rights, gender identity, and the well-being of young people.

### **Policy Background**

In early 2024, the Connetquot School District in Suffolk County, New York, became the center of a legal and political dispute over LGBTQ+ representation in schools. The controversy began when the district superfluously implemented a policy that banned teachers and staff from displaying LGBTQ+ pride flags in classrooms, citing the district's interpretation of neutrality in public education. The administration claimed that the flags were considered a "political symbol" and thus inappropriate for the classroom environment. This decision was met with strong backlash from students, parents, advocacy groups, and one particularly outspoken teacher who identified as gay. That teacher filed a lawsuit against the district, claiming the policy violated their First Amendment rights as well as New York's Human Rights Law, which prohibits discrimination based on sexual orientation and gender identity. The teacher argued that the ban created a hostile environment for LGBTQ+ students and staff and that it sent a chilling message about inclusivity in schools. Students staged walkouts and protests, saying the flags were symbols of safety, not political ideology. Civil liberties organizations, including the New York Civil Liberties Union (NYCLU) and LGBTQ+ legal advocacy group Lambda Legal, publicly supported the legal challenge. The NYCLU—New York's affiliate of the American Civil Liberties Union—advocates for a broad range of liberties, while Lambda Legal focuses on specifically LGBTQ+ and HIV-related issues. They both stated that the policy was discriminatory and out of alignment with state educational guidelines promoting diversity and

acceptance under the Dignity for All Students Act (DASA). While the Connetquot case did not involve athletics, it echoes the William Floyd High School situation in terms of its core themes: LGBTQ+ visibility, local backlash, and conflicting interpretations of state law and inclusion. In both districts, administrators remained largely silent or defensive, while grassroots opposition—whether in the form of parental protests or student-led activism—brought the controversies into public debate.

As debates surrounding the inclusion of transgender athletes intensify, collegiate sports have emerged as a key battleground. At the center of this debate is the National Collegiate Athletic Association (NCAA), the governing body for over 1,000 U.S. colleges and universities. NCAA sports historically have been categorized according to the participants' sex assigned at birth (male and female sports). The Transgender Student-Athlete Participation Policy (TSAP) applies to any Student-Athlete who plans to compete in an NCAA sport that does not match the SA's sex assigned at birth—this applies to a multitude of identities, including transgender, nonbinary, and genderqueer. However, TSAP does not apply to intersex SAs, whose reproductive anatomies do not fit traditional definitions of male or female, and does not factor in an SA's sexual orientation. In January 2022, the NCAA implemented a significant update to its transgender participation policy, shifting the framework from a universal rule to a sport-by-sport model. In short, it adopted a system in which each sport sets its own eligibility requirements instead of following a single standard across all athletics. Testosterone thresholds can facilitate and support fair competition while providing participation for transgender athletes. This meets sport-specific eligibility requirements reviewed and approved by CSMAS (Committee on Competitive Safeguards and Medical Aspects of Sports), in each case to be informed by national governing body policy (or international federation policy or 2015 IOC (International Olympic Committee) policy). The change was intended to align NCAA policy with international standards and strike a balance between inclusion and competitive fairness. Its rollout, however, has sparked new challenges, chief among them, inconsistency, lack of clarity, and questions about scientific validity. Before 2022, the NCAA followed a relatively straightforward policy: transgender women could compete on women's teams after completing one year of testosterone suppression treatment. This rule applies across all sports and divisions. However, critics argued that the

one-size-fits-all policy failed to account for physiological differences between athletic disciplines. Critics particularly emphasized how much physical advantage might persist in activities that rely heavily on speed, strength, or endurance.

In response, the NCAA replaced this policy with a three-phase model, a transitional plan that allows time for sports to implement their regulations, guided by national governing bodies. The first phase occurred in the 2022 winter/spring, where transgender women had to meet the 2010 policy and sport-specific eligibility requirements approved by CSMAS, where the one-time

sport-specific testosterone threshold was applied. Next, in the second phase of the 2022-23 academic year, the previous requirements were applied, and additional eligibility documentation submissions were required. Finally, in the last phase, all other applicable sport-governing policies were to be considered by CSMAS, including: length of testosterone mitigation and other requirements that may impact transgender men.

These national governing bodies (NGBs), such as USA Swimming or USA Track and Field, are the official organizations responsible for setting competition standards, rules, and eligibility requirements in their respective sports. Under the new policy, each NGB determines the eligibility standards for transgender athletes, often requiring documentation of testosterone levels over a specified period. This decentralized approach, meaning power and decision-making is spread out among different organizations rather than being controlled by the NCAA alone, has resulted in a wide range of procedures and outcomes.

The cornerstone of the updated policy is the requirement of documented testosterone levels within a sport-specific threshold. Transgender athletes must demonstrate that their testosterone levels are below a defined limit, often for at least 12 continuous months, before they can compete in the women's category. Testosterone, a hormone naturally present in all bodies but typically in higher amounts in individuals assigned male at birth, is believed to influence strength and muscle development. The NCAA policy assumes that limiting testosterone levels creates a more level playing field.

Nevertheless, critics argue that testosterone alone is not a definitive marker of athletic ability as performance also depends on various other factors, such as training, genetics, mental preparation, and physical resilience. Additionally, some cisgender women (an adjective used to describe a person who identifies as the gender they were assigned at birth) naturally have high testosterone levels, which complicates the assumption that testosterone levels can fairly distinguish eligibility. Furthermore, a simplification of phase 3 seeks consolidation and simplification, acknowledging that transgender athlete policies should be regularly reviewed and updated based on quickly evolving landscapes. CSMS does not recommend that the Board of Governors include eligibility criteria from sport-governing policies that are determined to be fundamentally inconsistent with the NCAA's values of fairness, inclusion, and student-athlete well-being.

A concerning aspect is the privacy and bodily autonomy issues raised by mandatory hormone testing. Bodily autonomy refers to an individual's right to make decisions about their own body, including medical treatments and disclosures. Requiring transgender athletes to regularly prove their hormone levels can be invasive, psychologically harmful, and even humiliating, raising ethical concerns about consent and personal dignity.

One of the most controversial consequences of the 2022 update is the inconsistent application of rules across sports and institutions. While some NGBs have issued detailed eligibility guidelines, others remain vague or entirely silent, leaving schools and athletes confused. This lack of consistency means transgender athletes might be allowed to compete in one sport but barred from another, even with identical hormone levels. The result is a fragmented policy landscape—one that lacks unity and coherence across the NCAA system. This variation raises larger concerns about inequity, which is the absence of fairness due to unequal access, opportunity, or treatment. Unlike equality, which provides everyone with the same resources regardless of their starting point, equity acknowledges that some athletes face more barriers than others and may require different forms of support to achieve fair outcomes. As of 2025, the NCAA continues to revise and clarify its policies regarding transgender athletes; however, it has not yet offered a comprehensive long-term framework that balances both inclusion and competitive equity.

### **Legal Framework**

The current system also places an enormous burden on individual schools and athletes to interpret vague policies. This can lead to legal and ethical dilemmas, as institutions fear being accused of discrimination or failing to follow due process. Title IX of the Education Amendments of 1972 is a landmark federal civil rights law that prohibits discrimination “based on sex” in any education program or activity receiving federal funding. Historically, Title IX was designed to create greater gender equity in education, particularly in sports. Recently, however, the question of whether Title IX is being employed to protect transgender students has become one of the preeminent legal and political concerns in the United States. The interpretation of "sex" under Title IX has undergone a radical shift between presidential administrations. Under the Trump administration from 2017 to 2021, the Department of Education (ED) narrowed the definition of sex to refer solely to biological sex assigned at birth. This interpretation excluded protections for transgender students, arguing that Title IX did not guarantee participation in sports aligned with gender identity. As a result, schools were allowed or even encouraged to require students to participate in sex-segregated sports based on their assigned sex, regardless of how they identified. In contrast, the Biden administration took the opposite approach during the years 2021 to 2025. In 2021, President Biden issued an executive order directing federal agencies to interpret laws prohibiting sex discrimination, including Title IX, as also forbidding discrimination based on gender identity and sexual orientation. This interpretation was reinforced by ED’s 2024 proposed updates to Title IX, which aimed to expand protections for LGBTQ+ students. The proposal is consistent with their gender identity. While the regulation has not been finalized by mid-2025, its intent is clear: schools that receive federal funding must not discriminate against individuals based on their gender identity.

In contrast to the shifting federal stance, New York City provides strong and consistent protections for transgender people through the NYC Human Rights Law (NYCHRL), which was adopted in 1965. Enforced by the New York City Commission on Human Rights, this local law explicitly includes gender identity and expression (ways in which a person communicates their gender identity to others through behavior, clothing, haircut, voice, name pronouns, and other forms of self-presentation), as protected categories in all public accommodations, including schools, recreational programs, and athletic activities. This means that schools and recreation centers in NYC are legally required to respect and affirm students' gender identities, regardless of whether the activity is competitive or recreational. This means that your gender identity is your legal right. No one can question, dismiss, or ignore it. You have the right to be called by your chosen name and pronouns in every way, such as through interactions, rosters, and programs. Any refusal to respect or affirm one's gender identity or expression is discrimination. For example, transgender girls must be permitted to participate in girls' sports teams if that aligns with their gender identity. According to guidance from both the NYC Commission on Human Rights and the NYC Department of Education, schools are expected to "ensure that transgender students are not excluded from participation in any school activity or program." This includes sports teams, physical education classes, and gender-segregated facilities such as locker rooms and bathrooms. Importantly, the NYCHRL does not differentiate between competitive and non-competitive sports. The law requires inclusive participation across all activities. Schools that fails to follow these requirements risks legal consequences and may be subject to investigations or fines by the Commission on Human Rights. These policies demonstrate New York City's clear commitment to upholding the dignity and rights of transgender students, regardless of national political shifts.

In 2021, the New York State Attorney General and the New York State Education Department released a joint guidance reaffirming that transgender students have the right to play school sports based on their gender identity. The guidance stated that any school policy or practice restricting participation based on a student's transgender status could risk violating federal and state civil rights statutes. This state-level support adds to a broader legal and policy environment in New York that respects gender identity as a protected class. Executive Order 16, signed in 2019 by Governor Andrew Cuomo, mandated all state agencies to affirm and enforce protections for LGBTQ+ individuals in public programs, including education and youth athletics. These safeguards are maintained and are found in school district policy across the state. Together, these levels of legal authority—city, state, and possibly federal—leave no question that in New York, transgender students are entitled to be able to participate in sports in line with their gender. Failure by those schools to comply with promises violates civil rights law and the very policy of equal opportunity that Title IX and New York Human Rights Law aim to require.

### **Relevant Case Law**

While New York has robust protections, persistent legal battles across the country may influence the broader legal landscape. These two prominent cases are *West Virginia v. B.P.J. (Becky Pepper-Jackson)* and *Adams v. School Board of St. Johns County*. These two cases show that courts may continue to move towards recognizing full inclusion of transgender students under federal law despite political fluctuations and uncertainty across districts.

The case *West Virginia v. B.P.J. (Becky Pepper-Jackson)* is in regards to West Virginia's 2021 "Save Women's Sports Act", which prohibits transgender girls and women from playing on girls' and women's teams of sports in public schools and colleges. "Save Women's Sports Act," or the "Protection of Women and Girls in Sports Act," is a bill that would restrict competition in women's and girls' sports to only those whose biological sex at birth was female. The legislation is set to ensure athletic teams and sports that are for females remain only for biological females. It restricted athletic eligibility solely on biological sex assigned at birth, rather than based on gender identity. A Fourth U.S. Circuit Court of Appeals panel unanimously overturned the law on April 17, 2024. The court held that the ban was unconstitutional under the Equal Protection Clause of the Fourteenth Amendment and Title IX because it was treating transgender girls less well than similar cisgender girls. Even though this ruling came from one court, it impacts more than just West Virginia. That's because the Fourth Circuit covers five different states—West Virginia, Virginia, North Carolina, South Carolina, and Maryland—so the decision applies across all of them. And while the Supreme Court hasn't weighed in yet, this kind of ruling can influence courts all over the country. In total, 11 federal circuit courts handle appeals like this, and most of them cover multiple states. This means that if other circuits agree with the Fourth Circuit's reasoning, similar laws in other states could also be struck down. Only a couple of circuits, like

the D.C. Circuit, have a smaller reach, so most rulings like this one affect a lot more than just one state. Basically, if the majority of circuits follow this same legal path, laws like the one in West Virginia would become illegal in a large part of the country as well. So, even though it was just one decision, it could end up changing things nationally.

The court applied strict scrutiny, noting the law was not significantly related to any important governmental interest in ensuring fairness or sports opportunity. The court held that determining eligibility on strictly assigned sex of birth was too sweeping, did not meet actual physiological traits or hormone suppression, and deprived students of equal athletic opportunity solely based on identity. Up to April 2024, the Fourth Circuit had held the law unconstitutional without any question. West Virginia appealed the decision to the United States Supreme Court, and the Supreme Court granted certiorari (certification of appeal) in July 2025. Until that time, the

Fourth Circuit's ruling is binding and enforceable within its area of jurisdiction, so the ruling is a final appellate decision for purposes here.

Drew Adams, a transgender boy, sued the school board of his home state of Florida after being prohibited from using the boys' restroom. Adams used the boys' restrooms at Allen D. Nease High School without controversy until an anonymous complaint prompted administrators to act. The school then requested that he utilize the girls' restroom or the single-stall gender-neutral restroom (classifying him by sex assigned at birth) and enrollment records. The District Court in 2018 ruled in favor of Adams both on Title IX and Equal Protection claims, ruling that the bathroom policy was unconstitutional and violated his rights based on gender identity discrimination and psychological harm. In 2020, a three-judge Eleventh Circuit Panel affirmed the district court's decision in a 2-1 ruling. The court agreed that this policy was illegal sex discrimination under *Bostock v. Clayton County*, extending protections of Title IX to transgender students and determining the policy to be arbitrary and stigmatizing. In the 2022 En Banc Eleventh Circuit Reversal, Judge Barbara Lagoa's majority opinion overruled previous holdings and upheld the school district's policy. In a 7-4 ruling, seven judges overturned the previous decision, while four dissented and would have kept the original ruling in favor of the student.

The majority argued that Title IX was about biological sex, not gender identity, and said the school had the right to separate bathrooms based on sex assigned at birth. While *Adams v. School Board* dealt with bathroom usage in particular, the scope of its applicability extends to school sports and gender identity in general. The case raised principal constitutional questions: Does denial of access based on gender identity infringe Title IX and the Equal Protection Clause of the Constitution? Taken together, these two cases illustrate the legal and emotional risks of not allowing transgender students equal access to school life.

Although the facts are different, both cases focus on the same point: being treated equally is being confirmed in one's identity. The courts' rationales—particularly dissenting opinions—often argue that exclusion from facilities, teams, or areas causes actual psychological harm, particularly among young people. Arguments for inclusion are not merely about access to competition—they are grounded in the principle that excluding transgender athletes from participating according to their gender identity sends a damaging message that they are less worthy, less real, or less human. As these court cases are ongoing, U.S. universities and colleges are being compelled to navigate a polarized and complex policy environment. Several institutions have begun modifying their athletic programs to accommodate the NCAA's sport-specific policies on testosterone, but controversy has ensued. This brings us to the question: Is there to be a ban? Others argue that schools could do more and ban transgender women from competing in women's sports altogether, based on fairness.

Also, such bans tend to ignore individual differences in capacity and impose stereotypes about who is "too strong" or "too different" to be included. To bar students from competition under their gender identity alone is, by its very nature, a policy of exclusion that can quite possibly violate both federal and local protections. Thus, the issue for transgender people at large: Should there be testing at all? Others argue that even testosterone-based eligibility policies are not flawless. Hormone testing is invasive, expensive, and founded on controversial science because testosterone levels alone are not specific for determining athletic ability. Requiring medical documentation and ongoing monitoring can retraumatize trans athletes, distilling them into laboratory readings instead of treating them as individuals and not analytics. Numerous cis women also naturally have higher testosterone levels, raising issues of equity and consistency in the administration of these tests.

The controversy about transgender athletes has not been confined to school boards and courtrooms—it has played out in public in the media and society, typically with damage. Social media and the media have been filled with misinformation, biased reporting, and fear-mongering propaganda. Television news shows are constantly suggesting that transgender athletes are "dominating" women's sports, even when there are only a few openly transgender athletes competing in most college teams. Most of those who are against transgender inclusion concede they have never encountered someone who is transitioning (any steps a person takes to affirm their gender identity; this may or may not include changes in one's name, pronouns, physical appearance, taking hormones, undergoing surgery, among many others), relying on the news headlines rather than education or personal experience. The result is one of fear, dehumanization, and alienation. In reality, most transgender students are not trying to oppress—they crave belonging, community, and equality.

### **Experiences**

As a student, I have seen the human side of this issue. A close friend of mine, who identifies now as a girl and was assigned male at birth, experienced mistreatment, misunderstandings, and misgendering—the act of referring to someone in a way that does not reflect that person's gender identity, like using their deadname or incorrect pronouns—the three M's when transitioning. During the transitioning period, I, among many others, had a hard time referring to her by her new name and kept mentioning her deadname—the name she used before transitioning—and used her old pronouns. Similarly, she was experiencing abuse, such as emotional, physical online abuse while participating in gym class, and also now in high school. In high school, during track and field, she is also facing unfairness and abuse—not only from peers, or people in school she did not even know, but also looks from teachers. She did not participate a lot in gym class because of this, and I accompanied her by staying on the sidelines and just talking to her while watching everyone else participate. She was frequently mistreated and misgendered by

classmates, students at school, and even random people on the streets. She eventually had to go into a mental hospital because of this. The environment made her feel unsafe, unwelcome, and unwanted. Her experience mirrors what so many transgender youth face: exclusion, bullying, and psychological harm, all of which contribute to higher rates of depression, anxiety, and suicide risk among transgender students. Research indicates that transgender individuals experience significantly higher rates of suicidal thoughts and attempts compared to the general population who are not transgender. Several of these factors contribute to heightened risk, including discrimination, harassment, and lack of social support. It has been shown through the National Institutes of Health (NIH) that between 32% and 50% of transgender individuals report attempting suicide at some point in their lives. One study noted that 41% of transgender individuals in the United States attempt suicide at least once in their lives. The Trevor Project's 2024 national survey on LGBTQ+ youth mental health revealed that nearly one in five transgender and nonbinary young people (14% and 18% respectively) attempted suicide in the past year. This is not just a policy issue—it is a human rights issue.

### **Impacts on Students and Athletes in NYC**

While arguments of transgender inclusion emphasize dignity, legal protection, and mental health, critics raise legitimate concerns about fairness, safety, and opportunity, especially within segregated sports. Their central claim is that transgender girls may retain physical advantages, such as muscle mass, bone density, and cardiovascular capacity, developed before hormone therapy. These perceived advantages, critics say, can skew outcomes in sports where strength and speed matter, leading to lost opportunities for cisgender individuals in the form of scholarships, team placements, and championships. In contact sports like rugby or wrestling, concerns about physical injury also arise, as some fear that biological differences may increase the risk of harm for cisgender competitors. As a solution, some have proposed to create separate transgender categories or require stricter medical documentation, like the testosterone thresholds, similar to the NCAA guidelines for eligibility.

Although some schools have wonderful athletic programs that instill discipline, teamwork, and leadership, others barely manage to keep their programs afloat, even if the student body is equally talented. Budget cuts and changes to after-school programs directly affect the formation, support, and achievement of student-athletes. Sports funding also varies quite widely from borough to borough, offering unequal access regardless of a student's background, gender, or ability. In areas like the Bronx and parts of Queens, many schools lack funding, which means student-athletes often do not get the same opportunities as those in better-funded schools.

### **Future Policy Recommendations**

Rather than creating entirely new sporting divisions or invoking blanket bans as a sole measure, the more practical and effective thing to do is to revise and improve already existing policy to allow for transgender inclusion while ensuring competitive equity. New York City schools are implementing a combination of state, federal, and local laws currently—Title IX, the NYC Human Rights Law, and the directives of the New York State Education Department—but usually the policies are underemphasized in terms of real application, particularly concerning competitive equity in athletics. A more salutary course would be to recast current participation standards to transcend testosterone-based qualification standards, which, as commonly applied in the NCAA policy, fail to capture the full range of athletic benefit and harm. Instead, follow-up policies should consider sport-specific guidelines consistent with the bodily demands and competitive demands of each endeavor. For example, endurance-based sports might have different eligibility standards than strength and size-based sports. Transgender athletes should be allowed to compete in high school athletics according to their gender identity, but eligibility standards must not enable any athlete—transgender or cisgender—to compete with a substantial physiological advantage that undermines fair play. These standards must be science-based, updated from time to time, and regulated by independent boards with the input of medical professionals, competitors, coaches, and lawyers. Through careful policies that are concerned with inclusion as well as fairness, the future of school athletics can become one of equity and not exclusion, so that all students can compete safely, fairly, and genuinely.

### **Conclusion**

It is more about society determining what it means by fairness, identity, and opportunity rather than records and rules. As illustrated throughout this essay, legal protections like Title IX, the NYC Human Rights Law, and state policies create the frame for inclusion, but only as formidable as the systems and people in place to enforce them. Education must continue to be at the forefront of fighting disinformation, pushing back against bias, and preparing schools to respond to new gender identities with empathy and integrity. Policy renewal, grounded in science and compassion, will also be necessary to maintain competitive fairness without taking anyone's dignity or sense of belonging away. Further research into the physical, psychological, and social dimensions of transgender inclusion is necessary to create future guidelines that reflect reality and respect. The conversation is still a work in progress—and the next question we must pose is not if inclusion is possible...

... but whether we are truly ready to change what fairness means to us.

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