



Book	WSSD Policy Manual
Section	100 Programs
Title	Sex-Based Distinctions in Athletics
Code	123.2
Status	Draft
Legal	[1] 34 C.F.R. 106.41 [2] 22 Pa. Code § 4.27 [3] Williams v. School District of Bethlehem, 998 F.2d 168, 175 (3rd Cir. 1993) [4] 24 P.S. § 16-1603-C [5] PIAA Bylaws Article XVI Section 4
Adopted	N/A

### **Purpose**

The District is committed to serving all students without regard to sex. The District recognizes that a student's sex is irrelevant for the majority of educational decisions and will therefore almost never be the basis of differential treatment.

This policy outlines one (1) of those few situations where sex is relevant and justifies differential treatment. Separate athletic teams on the basis of sex preserve fairness, provide increased opportunity for girls, and are safer. As such, the District provides separate interscholastic athletic teams on the basis of sex.

### **Authority**

Schools may operate and sponsor separate teams for members of each sex. [1] [2] [3] [4]

### **Definitions**

**Contact sports** include, wrestling, rugby, ice hockey, football, basketball, and other sports for which the purpose or major activity of which involves bodily contact. [1] Contact sports also include soccer, field hockey, lacrosse, and volleyball.

**Sex** is defined as the biological distinction between male and female based on reproductive biology and genetic make-up as indicated by a practicing medical professional and the student's parent/guardian.

## Guidelines

- A. It is the policy of this District that athletic teams and sports shall not be segregated on the basis of irrelevant classifications such as race, color, religion, ancestry, national origin, sexual orientation, or gender identity.
  - B. The Superintendent or designee shall ensure that similar athletic programs are offered to both sexes in proportion to the District's enrollment; and shall ensure performance of the legal requirement to annually submit information to the state regarding interscholastic athletic opportunity and treatment for male and female secondary school students for the preceding school year.[4]
  - C. Schools may operate and sponsor separate interscholastic or intramural athletic teams and sports for members of each sex:
    - 1. "males," "men," or "boys" (collectively "males");
    - 2. "females," "women," or "girls" (collectively "females"); or
    - 3. "coed" or "mixed"
  - D. Athletic teams or sports designated for females shall not be open to students of the male sex, and athletic teams or sports designated for males shall not be open to students of the female sex.
  - E. Exceptions:
    - 1. The school will provide reasonable accommodations for females to try out for teams designated for males, including but not limited to when:
      - a. there is no girls' team for that sport during the school year, or
      - b. the principal or Athletic Director believes that the female's skill level is such that participation on the girls' team would not provide meaningful competition for the girl.
    - 2. The school will provide reasonable accommodations for male students who have not begun male puberty to play during that season on teams designated for females. Students seeking an accommodation under this section shall provide a doctor's note to the principal or Athletic Director certifying the student has not started male puberty.
- In addition, if the overall athletic programs offered by the district for males would for some reason be fewer than those available to females, the principal or Athletic Director may allow a reasonable accommodation for a male student to try out for a female team if all of the following are met:[6]
- a. the school does not sponsor a boys' team in that sport and the principal or Athletic Director determines that the overall boys' athletic program at the student's school

- provides significantly fewer opportunities for boys to participate than for girls;
- b. the boy would not displace any girl from the team's roster;
  - c. the boy would likely not, due to his physical size, athletic ability, and/or other characteristics, pose an increased risk of harm to opponents beyond that which would be posed by an average-sized and skilled participating girl; and
  - d. the boy would not provide his team with a significant competitive advantage. (As applicable herein, a significant competitive advantage means that the boy's participation would likely cause the team to be noticeably more competitive than it would be without the boy's participation on the team.)

3 In considering whether to permit participation, with regard to factors c and d, above, the principal or Athletic Director shall be guided by the following:

- a. Where there is a question as to the risk posed to opponents or to a possible significant competitive advantage to the principal or Athletic Director's team, such questions should be resolved in favor of the health and safety of opponents and in favor of preventing significant competitive advantage.
- b. Due to the increased risk of injury to opponents in direct contact sports (such as field hockey, lacrosse, soccer and volleyball), particular scrutiny should be applied by the principal or Athletic Director to requests in these sports.
- c. Due to competitive realities, the scrutiny should be heightened even further when the team in question is a varsity team.

F. Nothing in this policy shall be construed to:

- 1. Restrict the eligibility of any student to participate in any athletic team or sports of their sex or designated as "coed" or "mixed";
- 2. Restrict the District from designating non-contact intramural teams or sports as co-ed when the district offers intramural sports;
- 3. Restrict the District from maintaining coed physical education classes; or
- 4. Restrict the District's existing practice permitting student managers, regardless of their sex, to assist any teams based on criteria to be set by the principal or Athletic Director in administrative regulation. Such regulations shall include opportunity for a student team manager, under supervision of the coach, to assist in practice to help the team prepare for competition.

### **Environment of Respect**

Students and adults are expected to be respectful and welcoming to all students regardless of sex, gender, identity, or any other class, and violations are subject to discipline under existing policies including, but not limited to, the harassment, hazing, and bullying policies.