



Book	Policy Manual
Section	100 Programs
Title	Sex-Based Distinctions in Athletics
Code	123.1
Status	Second Reading

### **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.

However, this Policy outlines one 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**

Title IX was designed to stop discrimination and create equal athletic opportunities for girls in educational settings. In spite of the fact that sex is a protected class under Title IX such that sex-based distinctions in education should generally be erased, Title IX preserved sex-based distinctions for interscholastic athletics, since it was widely recognized that such distinctions were essential for providing competitive opportunities for girls. It is precisely because schools have a significant interest in providing increased competitive opportunities to girls that implementing regulations, see 34 C.F.R. § 106.41, provide that schools may operate and sponsor separate teams for members of each sex. *Williams v. School District of Bethlehem*, 998 F.2d 168, 175 (3rd Cir. 1993).

### **Definitions**

"Sex" is defined as the biological distinction between male and female based on reproductive biology and genetic make-up. "Sex" and "biological sex" may be used interchangeably.

When enrolling a child in the school or registering for sports, a parent/guardian will designate the student's sex for school records and that will remain on the school records unless the Superintendent or Athletic Director has reasonable cause to believe that the student's sex is other than designated. If requested by the Superintendent or Athletic Director, the student shall provide their original birth certificate certifying the student's sex to the Superintendent or Athletic Director.

If a student has a gender identity that is different than their sex, that student or a parent has the option of informing the district of that additional information during registration or anytime thereafter. If requested by the parent/guardian and to serve the student's needs, the district will keep record of such identity and any accompanying accommodation requests in the same manner that the district records notifications and accommodation requests for students based on religion or disability.

### **Provisions**

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.

C. Interscholastic or intramural athletic teams or sports that are sponsored by the district shall be expressly designated as one of the following based on sex:

1. "males," "men," or "boys,"
2. "females," "women," or "girls," or
3. "coed" or "mixed."

D. Athletic teams or sports designated for "females," "women," or "girls" shall not be open to students of the male sex, and athletic teams or sports designated for "males," "men," or "boys" shall not be open to students of the female sex.

E. Reasonable Accommodations.

1. The school will provide reasonable accommodations for females to try out for teams designated for males, such as when there is no female team for that sport during the school year.
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 Athletic Director certifying the student has not started male puberty.

F. Nothing in this policy shall be construed to:

1. restrict the eligibility of any student to participate in any athletic teams 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 athletic director in administrative regulations. Such regulations shall include opportunity for a student team manager, under supervision of the coach, to participate in a limited manner in practices to help the team prepare for competition.

### **Environment of Respect**

Hempfield students and adults are expected to be respectful and welcoming to all students regardless of 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. (Pol. 103, 103.1, 218, 247, 249).