
President Trump Signs Executive Order Banning Transgender Women from Women's and Girls' Sports

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On February 5, 2025, President Trump signed an Executive Order (EO) entitled "[Keeping Men Out of Women's Sports](#)" (EO 14201).

In this EO, President Trump aims to ban transgender women from women's and girls' sports, relying on the definitions of "male" and "female" from his prior EO, "[Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#)" (EO 14168). Specifically, the "Keeping Men Out of Women's Sports" EO asserts that women's sports are reserved for biological women, which was previously defined in EO 14168 as an "adult and juvenile female" whose sex, or "immutable biological classification" is "female."

The EO seeks to enforce a ban of transgender women from women's and girls' sports by outlining the following provisions:

- The Secretary of Education must take appropriate action to protect all-female athletic opportunities and locker rooms;
- Title IX action will be prioritized against educational institutions that deny female students an equal opportunity to participate in sports and athletic events by requiring them, in the women's category, to compete with or against or appear unclothed before males; and
- All executive departments and agencies shall review grants to educational programs and rescind funding to programs that fail to comply with the EO.

At present, the EO has no immediate effect on California public schools. Instead, the EO directs the Department of Education and Department of Justice to take action in enforcing the EO. It is presently unclear if President Trump, through the use of an Executive Order, can legally impose the conditions and consequences of the EO.

Noteworthy, the California Attorney General recently obtained a Temporary Restraining Order (TRO) blocking an EO that would freeze federal funding to healthcare providers providing gender-affirming care. The California Attorney General could pursue similar litigation regarding this EO, but at the time of the publishing of this Client News Brief has not done so.

For the foreseeable future, this area of the law will continue to be highly contested. California law maintains protections for transgender and nonbinary student athletes. As it stands, this EO is in direct conflict with California law, specifically Education Code section 221.5(f), which states: “A pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil’s records.”

Further, following the EO, the California Interscholastic Federation (CIF) issued a statement affirming that CIF “provides students with the opportunity to belong, connect, and compete in education-based experiences in compliance with California law,” maintaining protections for transgender and nonbinary athletes.

Takeaways

California school districts which maintain the status quo of legal compliance with current California law, and continue to permit transgender and nonbinary students to participate on the sports teams/use the facilities of the gender they identify with, will remain in compliance with California law. However, this may run the risk of an Office of Civil Rights (OCR) complaint in relation to the standards announced in this most recent EO. It is worth noting that the U.S. Department of Education has already initiated investigations into at least one postsecondary education school in California, California State University, San Jose.

If LEAs choose to comply with the EO and no longer allow transgender female athletes to participate on female sports teams/use female facilities, they will be in violation of California law, which explicitly protects transgender students and athletes. Violating California laws could result in lawsuits from community members or California agencies.

Overall, we anticipate the possibility of numerous legal challenges in the coming weeks related to this EO and related laws protecting transgender and nonbinary athletes. Lozano Smith is monitoring additional developments in this area and will issue further guidance as needed.

If you have any questions about the EO or the laws surrounding transgender and nonbinary athletes, please contact one of the authors of this Client News Brief or any attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [X \(formerly Twitter\)](#), and [LinkedIn](#), or download our [mobile app](#).

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