

Supreme Court Holds that States May Ban Transgender Females from Participating in Women's and Girls' Sports

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On June 30, 2026, the Supreme Court of the United States issued a consolidated opinion in *West Virginia v. B.P.J.* and *Little v. Hecox*, holding by a 6-3 majority that states *may* limit women's and girls' sports teams to biological females under Title IX of the Education Amendments of 1972 (Title IX) and the Equal Protection Clause of the United States Constitution.

Background

B.P.J. involved a transgender female K-12 student athlete, and *Hecox* involved a former Boise State University transgender female athlete. In both cases, the transgender female athletes challenged their respective state laws that ban transgender women and girls from participating on sports teams for biological females. Both the U.S. Court of Appeals for the Fourth and Ninth Circuits had ruled that the state bans violated Title IX and the Equal Protection Clause. Idaho and West Virginia filed petitions for Supreme Court review of these rulings.

Supreme Court Opinion

In its opinion, the Supreme Court held as follows:

1. Title IX allows schools to provide sex-separate sports teams defined by biological sex; and
2. West Virginia and Idaho did not violate the Equal Protection Clause of the Fourteenth Amendment by maintaining women's and girls' sports teams for biological females.

In reaching its holdings, the Supreme Court ruled that, while Title IX prohibits discrimination on the basis of sex, Title IX's regulations "expressly permit" schools to have separate teams for biological males and biological females, specifically noting that the term "sex" in Title IX "cannot plausibly be interpreted to refer to anything other than biological sex." As to equal protection, the majority applied intermediate scrutiny. The Supreme Court ruled that limiting girls' sports to biological females is substantially related to the State interests of safety and competitive fairness.

The Supreme Court expressly declined to address the question of whether states may *allow* transgender female athletes to participate on women's and girls' sports teams, and also refused to address the issue of access to sports teams for transgender males.

This opinion permits states to adopt laws that prohibit transgender females from participating on women's and girls' sports teams. At present, twenty-seven (27) states currently have such laws in place.

Related Litigation

In July 2025, the United States Department of Justice filed a lawsuit against the State of California and the California Interscholastic Federation (CIF) alleging that California's policies allowing transgender female athletes to participate in girls' sports violate Title IX. (Lozano Smith outlined these lawsuits in greater detail in our [2025 Client News Brief No. 31](#).) This lawsuit is still pending in federal court in the Central District of California, and the court is set to make a ruling on a pending motion to dismiss by no later than August 31, 2026. The Supreme Court's opinion on *B.P.J.* is likely to have an impact on the outcome of that case, as well as the outcome of similar lawsuits, including one against the State of Maine, particularly because the Supreme Court held that "sex" under Title IX is strictly defined as biological sex (sex assigned at birth) in relation to participation in athletics.

Impact on California Schools

This opinion has no immediate effect on California law and protections for transgender students, because California does not ban transgender girls and women from women's and girls' sports. The Court noted that the other approach, i.e., state laws that expressly permit participation in athletics based upon gender identity, was not decided in the opinion and that there was active litigation on point in the lower courts (such cases noted above).

California law, specifically Education Code section 221.5, subdivision (f), 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." CIF Bylaw 300.D states, "All students should have the opportunity to participate in CIF activities in a manner that is consistent with their gender identity, irrespective of the gender listed on a student's records."

We will continue to monitor this area of the law and the related lawsuits impacting California agencies. As things develop, Lozano Smith will issue further guidance, if needed.

If you have any questions about the Supreme Court decision in *West Virginia v. B.P.J.*, *Little v. Hecox*, or any law related to transgender and nonbinary athletes or Title IX, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#) and [LinkedIn](#), or download our [mobile app](#).

As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.