

**18.16.0 GENDER IDENTITY PARTICIPTION**

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*Philosophy of Gender Identity Participation: The WIAA encourages participation for all students, regardless of their gender identity or expression. Further, most local, state, and federal rules and regulations require schools to provide transgender and other gender-diverse student-athletes with equal opportunities to participate in athletics. **However, in order to maintain fair and equitable competition, participation in girls' sports and girls' divisions of sports is restricted to students who were assigned female at birth.** The purpose of this policy is to offer clarity with respect to the participation of trans and gender-diverse student-athletes. Additionally, this policy encourages a culture in which student-athletes can compete in a safe and supportive environment, free of discrimination.*

~~18.16.0 GENDER IDENTITY PARTICIPATION—All students have the opportunity to participate in WIAA athletics and/or activities in a manner that is consistent with their gender identity. Currently, most athletic programs are offered separately for boys and girls as outlined in Appendix 1. Athletes will participate in programs consistent with their gender identity or the gender most consistently expressed. School personnel responsible for student eligibility will work collaboratively with the student-athlete to determine eligibility. Once the student has been granted eligibility to participate in the sport consistent with their gender identity, the eligibility is granted for the duration of the student's participation and does not need to be renewed every sports season or school year. The WIAA staff is willing to collaborate with any member school seeking assistance regarding gender equity. For additional information on Gender Identity, refer to Appendix 6.~~

**All Students are encouraged to participate in WIAA**

**athletics and/or activities. Participation in girls' sports and girls' divisions is limited to students assigned female at birth. Examples of girls' sports and girls' divisions within a sport include, but are not limited to:**

- **Girls' Sports: Fastpitch, Volleyball (when no boys' or co-ed division exists)**
- **Girls' Divisions *within a Sport*: Soccer, Wrestling, Basketball, Track & Field**

Submitted by the Lynden School District, Blaine School District, Brewster School District, Cashmere School District, Colville School District, Grand Coulee Dam School District, Lake Chelan School District, Lynden Christian School, Mansfield School District, Mead School District, Okanogan School District, Omak School District, Oroville School District, and Tonasket School District.

*Rationale: The policy is modeled after Alaska's program which replaces boys' sports with an open division for all student-athletes while also creating eligibility restrictions for girls' sports and girls' divisions.*

**PROS**

1. *Focus is on fair competition and protecting the integrity of female sports. Restricting girls' sports to those assigned female at birth aims to maintain a level playing field, addressing concerns about potential physical advantages in certain sports.*
2. *Maintaining separate divisions for girls addresses safety concerns that could arise from physical differences in some sports.*

3. *The policy emphasizes inclusivity and encourages transgender and gender-diverse students to participate in athletics & activities. The policy aligns with local, state, and federal guidelines that mandate equal opportunities for all students.*
4. *Provides clear eligibility guidelines by creating an open division and restricting girls' sports to student-athletes assigned female at birth. Clarity within eligibility can ensure consistency across schools and sports. Female athletes, parents, coaches, and teams having a clearer understanding of who is competing within each division reduces the potential of unfair and vitriolic responses to successful transgender female athletes.*
5. *Transgender participation policies are currently being developed across all competition levels of organizations sponsoring sex-segregated athletics. The option of exploring an appeal process provides a potential pathway for gender-diverse student-athletes to participate in competition best-aligned to their physiological development.*

#### CONS

1. *Restricting participation in girls' athletics to girls assigned female at birth may spark legal challenges at federal and state levels. Although the policy states a commitment to inclusivity, some may interpret it as discriminatory based on gender expression or identity, particularly student-athletes who identify as female but are unable to compete in girls' sports.*
2. *Any appeal process could be complicated and may involve medical evaluations that raise privacy and ethical concerns. Schools and athletic organizations may face challenges implementing and enforcing the policy, especially regarding medical assessments or appeals, leading to administrative burdens and potential inconsistencies in implementation.*

*Absent of an appeal process, the policy does not address how intersex athletes would fit into the existing sports divisions.*

18.16.0 GENDER IDENTITY PARTICIPATION - All students have the opportunity to participate in WIAA athletics and/or activities in a manner that is consistent with their gender identity. **Athletic programs will be offered separately for boys, girls and an open division for all students interested as outlined in Appendix 2.** Currently, most athletic programs are offered separately for boys and girls as outlined in Appendix 1. Athletes will participate in programs consistent with their gender identity or the gender most consistently expressed. School personnel responsible for student eligibility will work collaboratively with the student athlete to determine eligibility. Once the student has been granted eligibility to participate in the sport consistent with their gender identity, the eligibility is granted for the duration of the student's participation and does not need to be renewed every sports season or school year. The WIAA staff is willing to collaborate with any member school seeking assistance regarding gender equity. For additional information on Gender Identity, refer to Appendix 6.

Submitted by Eastmont School District, Cashmere School District, Colville School District, Lynden School District, Mead School District, Moses Lake School District, and Thorp School District.

*Pros:*

*All students have the opportunity to participate in WIAA athletics and/or activities in a manner that is equitable, and fair, while preventing harm to student athletes in the form of diminishing achievement and discrimination on the basis of sex, gender identity, or expression. Athletic programs shall be offered separately for boys, girls and open as outlined in Appendix 2. Athletes will participate in programs consistent with their sex assigned at birth (Assigned Sex as defined in Appendix 6) with exceptions as follows. Athletes wishing to compete according to their gender identity, if differing from their Assigned Sex, shall compete in the open division. Further, athletes in the process of transition that have undertaken medical changes (Appendix 6) are eligible to participate in the open division. School personnel responsible for student eligibility will work collaboratively with the student-athlete to determine eligibility for the boys, girls, and open divisions. Once the student has been granted eligibility to participate in the open division consistent with their gender identity and/or transition status, the eligibility is granted for the duration of the student's participation and does not need to be renewed every sports season or school year. The WIAA staff is willing to collaborate with any member school seeking assistance regarding gender equity. For additional information on Gender Identity, refer to Appendix 6.*

*By designating an open division category for sports, this amendment will preserve the equality of opportunity to participate in athletics while simultaneously creating a delineating category for different genders: boys versus boys; girls versus girls; and transgender versus transgender or transgender versus nonbinary. The arguments in favor of this amendment are the same as those that would be used to separate boys and girls sports- see WIAA Handbook Appendix 2.*

*The legislature finds that the mission of the WIAA is to assist member schools in operating student programs that foster achievement, respect, equity, enthusiasm, and excellence in a safe and organized environment per RCW 28A.600.200 Finding-Intent-2012 c 155. Further, the legislature intends to ensure that this mission is successfully carried out so that arbitrary sanctions that result in students unfairly being denied participation, or cause students' achievement to be diminished do not occur.*

*Science and medical experts have shown that Assigned Sex (see WIAA Handbook Appendix 6) is a key determinant of athletic performance, with males outperforming females in sports that are primarily*

*determined by neuromuscular, cardiovascular, and respiratory function, and anthropometrics including body and limb size. Many sports organizations, including the International Swimming Federation (FINA), World Athletics, National Collegiate Athletic Association (NCAA), and the National Association of Intercollegiate Athletics (NAIA) have all changed their policies in response to the substantial sex difference in sports performance and the need to prevent unfair competition.*

*Legal and Human Rights experts for FIN recognize the necessity that female athletes are not discriminated against by allowing biological males to unfairly compete against them. It is also understood that, as with any form of affirmative action, an effort not to discriminate against biological female athletes and thus to ensure a sex-based female category itself has exclusionary effects.*

*This amendment seeks to designate a third open division for sports that maintains a truly equitable playing field, allowing safe, fair, inclusive and non-discriminatory opportunities for all students wishing to participate in athletics and activities. It ensures fairness in competition while preventing harm to student athletes in the form of diminishing achievements and discrimination on the basis of sex, gender identity, or expression. It prevents further deviance from the legislature's intent of RCW 28A.600.200 such as that which occurred at the 2024 WIAA State Track and Field Championship while following the WIAA Gender Identity policy. The winning athlete in the race had competed as a boy in previous seasons, and the WIAA policy resulted in diminished achievements for girls in the race and those that failed to qualify. The first biological girl in the State Championship race finished in second place, behind the biological male athletes recognized as the State Champion girl.*

*Cons:*

*The cons of this amendment include, competitions may be extended in length and inviting athletes from across state lines to mitigate player counts is encouraged to accommodate participation of athletes in the open division.*