

COURT REPORT

July 2026



U.S. Supreme Court

Title IX – Sports Teams

***West Virginia v. B. P. J.*, 609 U.S. ---- (June 30, 2026)**

This case involves the Save Women’s Sports Act enacted by the state of West Virginia in 2021, requiring that participation on girls’ and women’s athletic teams be limited to biological females and specifying that sex is determined by biology. B.P.J., a transgender high-school student, challenged West Virginia’s law under both Title IX and the Equal Protection Clause of the Fourteenth Amendment after being denied participation on the girls’ cross-country and track teams. A federal district court awarded summary judgment to the state on both claims; however, the Fourth Circuit later reversed the lower court’s decision when it found in favor of the student. The state appealed the reversal to the U.S. Supreme Court, which granted review and considered West Virginia’s case alongside an Idaho case involving a similar state law. In a 6-3 opinion authored by Justice Kavanaugh, the Court held that: (1) Title IX permits schools to maintain separate athletic teams for males and females based on biological sex and (2) states may limit participation in girls’ and women’s sports to biological females without violating the Equal Protection Clause.

The Court found that the term “sex” in Title IX, the 1974 Javits Amendment, and the federal Title IX regulations refer to biological sex, not gender identity, as that term was understood when the law was enacted in the early 1970s. The Court emphasized that long-standing federal regulations expressly allow schools to operate separate athletic teams for members of each sex when selection is based on competitive skill or involves contact sports. The Court rejected arguments from the student plaintiff that Title IX requires schools to allow biological males who identify as female and/or who have undergone puberty suppression or hormone treatments to compete on girls’ teams. According to the Supreme Court, neither the statute nor its regulations require such exceptions. The Court also rejected the student’s reliance on *Bostock v. Clayton County* (2020), which established protection for employees against workplace discrimination based on sexual orientation or gender identity. Instead, the Court found Title VII employment discrimination principles do not control the distinct context of school athletics under Title IX.

Applying intermediate scrutiny, the Court recognized that sex-based classifications in schools must be substantially related to an important governmental interest. Here, the Court found the states’ interests in athletic safety and competitive fairness for female athletes are important governmental objectives. The Court ruled that limiting girls’ and women’s athletic teams to biological females is substantially related to those interests because of recognized physical differences between males and females that may affect athletic performance and safety. Critically, the Court further held that states are not constitutionally required to create individualized exceptions for transgender athletes based on medical treatments or personal athletic characteristics. The Court upheld West Virginia’s Save Women’s Sports Act and Idaho’s similar law, reversing the lower court decisions that had challenged those laws.

Adult Sexual Predators

On July 10, 2026, the U.S. Department of Education issued a *Dear Colleague* letter emphasizing that schools receiving federal funds have a legal duty to protect students from sexual harassment, abuse, and misconduct by teachers, administrators, and other adults in positions of authority. The Department highlighted its concerns about a nationwide pattern of schools failing to adequately investigate allegations, allowing employees accused of misconduct to resign without consequences, and “passing the trash” by helping those individuals secure employment in other school systems. The letter reminds states and local school systems that the Elementary and Secondary Education Act (ESEA) prohibits assisting employees or contractors who are known or reasonably suspected of having engaged in sexual misconduct with students from obtaining new educational employment and warns that the Department will increase monitoring of districts’ compliance with these requirements.

The letter also reiterates Title IX’s requirement that schools respond promptly and effectively to known allegations of sexual harassment or abuse and that collective bargaining agreements, local policies, or state laws cannot excuse noncompliance with federal requirements. School systems must conduct their own independent Title IX responses and investigations, even when allegations are referred to law enforcement, and they must prohibit retaliation against individuals who report alleged misconduct. The Department advises school systems to verify their policies are compliant, administrators are properly trained, and investigations are thorough and timely. The letter concludes with a warning that institutions that fail to meet their obligations under ESEA and Title IX may face enforcement actions, including the potential loss of federal funding.