

Education Department shares details of plans for requiring trans, nonbinary students in sports

The Biden administration publicly released [its long-awaited](#) proposed rule to protect nonbinary and transgender students from discrimination on college and K-12 sports teams Thursday

"Every student should be able to have the full experience of attending school in America, including participating in athletics, free from discrimination," U.S. Secretary of Education Miguel Cardona said in a statement that included details of the rule.

In late March, the Education Department quietly submitted its proposal to the White House Office of Management and Budget, the first step in the rulemaking process. The proposal comes at a time [when states are banning those students](#) from participating on sports teams that align with their gender identity.

More: [Education Department acts to advance transgender, nonbinary inclusion in youth sports](#)

What does the proposed rule say?

The Education Department said that [its proposed rule](#):

"Would establish that policies violate Title IX when they categorically ban transgender students from participating on sports teams consistent with their gender identity just because of who they are";
"Recognizes that in some instances, particularly in competitive high

school and college athletic environments, some schools may adopt policies that limit transgender students' participation"; and "Would provide schools with a framework for developing eligibility criteria that protects students from being denied equal athletic opportunity, while giving schools the flexibility to develop their own participation policies."

How the rule is applied at K-12 schools and colleges could vary. Schools will be able to determine what is right for them under the proposed regulation, including considerations of grade and education level, a senior department official said on a call with reporters Thursday.

"I'm trying not to be prescriptive today," the official said. "My hope is to offer school communities sufficient information to satisfy the law."

But that could not translate into a ban.

"Under the proposed regulation, schools would not be permitted to adopt or apply a one-size-fits-all policy that categorically bans transgender students from participating on teams consistent with their gender identity," the Education Department said.

What happens next with the proposed rule?

The Education Department will accept comments on the rule for 30 days. After considering those comments, it will craft a final regulation. The proposed rule could remain the same, or be changed or pulled back.

"Today's proposed rule is designed to support Title IX's protection for equal athletics opportunity," Cardona said. "We welcome and

encourage public comment on the proposed regulation and will continue working to ensure Title IX's effective protection for all students."

More: [Supreme Court sides with 12-year-old transgender girl fighting West Virginia's sports ban](#)

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