

NEW JERSEY STATE INTERSCHOLASTIC ATHLETIC ASSOCIATION

1161 Route 130 North, P.O. Box 487, Robbinsville, NJ 08691

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Transgender Policy - Frequently Asked Questions

Question: What is a transgender student?

Answer: NJSIAA defines a “transgender student” as a student whose gender identity differs from the student’s sex assigned at birth.

Question: How does a transgender student establish their gender identity?

Answer: The student must declare their gender identity. There is no medical test or official document required to establish one’s gender identity. The first point of contact for determining the student’s eligibility shall be with the member school. Disputes regarding gender identity assignment for the purposes of athletic registration will be resolved solely at the member school level. The NJSIAA will not hear any appeal of a member school’s determination of a student’s gender identity.

Question: Is a transgender student eligible to play high school sports in New Jersey?

Answer: Yes, a transgender student is eligible to play high school sports in New Jersey.

Question: What sports is the transgender student eligible to play?

Answer: The transgender student is eligible to play sports consistent with either their birth sex or their gender identity, but not both. For example, a transgender male (a student whose assigned sex at birth was female but identifies as male) may participate in girls’ sports or boys’ sports, but not both. If, for example, a transgender male plays boys’ basketball, he cannot then play girls’ softball. Likewise, a transgender female (a student whose assigned sex at birth was male but identifies as female) is also able to participate in girls’ sports or boys’ sports, but not both. For example, if a transgender girl plays girls’ field hockey, she cannot then play boys’ basketball.

Question: When must the transgender student decide whether they are going to participate as a boy or a girl?

Answer: This decision must be made before the transgender student tries out for or practices with a team. Once the student tries out for or practices with a team, the student will be eligible to participate consistent with the gender of that team. For example, if a transgender male tries out for the boys’ basketball team but is cut, that student may not then try out for the girls’ team.

Question: What if the transgender student is undergoing physician-prescribed hormone therapy?

Answer: NJSIAA rules strictly prohibit steroids and other performance enhancing drugs. However, if a transgender student is taking physician-prescribed medication in

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association with their transition, that fact may be considered by the NJSIAA's medical review officer before any violation of the steroid policy is found.

Question **What happens if a student who once identified as transgender changes their mind, and no longer identifies as transgender?**

Answer: If a student no longer identifies as transgender, this policy no longer applies, and the student would participate in sports consistent with the student's birth sex.

Question: **What if a student enters high school and begins playing sports consistent with a student's birth sex, but later recognizes their transgender identity?**

Answer: The policy takes effect once the student declares their transgender identity. At that point, the student may play sports in accordance with their birth sex, or gender identity, but not both.

Question: **What if a transgender student's identification adversely affects competition or safety?**

Answer: If an NJSIAA member school believes that the participation of a particular transgender student would adversely affect competition or safety, that school may appeal the student's eligibility. The appeal would be heard by the NJSIAA's Eligibility Appeals Committee (a group of educators). The hearing would be confidential. The hearing would focus on issues related to competition and safety and would not determine whether the school had properly determined the student's sex-assignment.

Question: **What is a nonbinary student?**

Answer: The NJSIAA defines a "nonbinary student" as a student who doesn't identify as a male or female.

Question: **A student is currently expressing themselves as nonbinary and would like to participate in athletics. How do we determine on which sports team they might participate?**

Answer: Because of the existence of male/female gender divisions on most teams, this creates a need for a nonbinary student to determine which gendered team they feel more closely aligns with their gender identity. Alternatively, they may select the gendered team on which they feel most comfortable participating. Factors that the nonbinary athlete may take into consideration include established camaraderie with fellow athletes, personal safety, and/or privacy concerns. The school will help to determine, through counseling and discussions with the student, the student's status regarding gender identity. The NJSIAA does not rule on determining the gender identity of the student; that is between the member school and the student. Once a nonbinary student makes a determination to participate in a sport different from the student's birth sex, the student will be eligible to participate in sports offered for the selected gender, following the same rules as a

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transgender student. Any waiver requests would be appealed to the Eligibility Appeals Committee.

Question: **How long has the NJSIAA had a policy relating to transgender students?**

Answer: The NJSIAA first adopted its transgender policy in 2009. Transgender students have been permitted to participate consistent with their gender identity since that time. The NJSIAA amended the policy in November 2017.

Question: **Is the NJSIAA the only state that allows transgender students to participate consistent with their gender identity?**

Answer: No. Although policies differ from state to state, as of December 2017 there are only seven states that have no transgender policy.

Question: **What legal guidance did the NJSIAA consider when drafting its policy?**

Answer: A New Jersey state law known as the “Law Against Discrimination” makes it illegal to discriminate against people based on their “gender identity or expression.” In addition, a second state law, adopted in July, 2017, requires the Department of Education to develop guidelines “providing a transgender student with the same opportunities to participate in physical education as other students, and permitting the student to participate in physical education in accordance with the student’s gender identity;” and to develop guidelines “permitting a transgender student to participate in gender-segregated school activities in accordance with a student’s gender identity....” [P.L.2017, Chapter 137; N.J.S.18A:36-41(1)(b)(7) & (8).]