

## EDUCATION



# Central Bucks' proposed policy on trans athletes: Teams shouldn't be segregated by 'irrelevant classifications'

Advocates for LGBTQ students said the policy would create a hostile environment and violate federal and state anti-discrimination laws. Here's what to know about the proposal.



Protests in January focused on bans of Pride flags and "advocacy" materials at Central Bucks School District, which critics said created a hostile environment for LGTBQ students. The district is now proposin ... [Read more](#)  
Charles Fox / Staff Photographer

by Maddie Hanna

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The Central Bucks school board is considering a policy that would ban transgender students from playing on sports teams aligned with their gender identities.

During a committee meeting Wednesday, the Republican-controlled board — which has been accused of discriminating against LGBTQ students, including by introducing policies that would [bar Pride flags in classrooms](#) and [prohibit library books with “sexualized content”](#) — did not cite any issues in the district around transgender students participating in sports. Instead, members in favor of the athletics policy said they wanted to be proactive.

Advocates for LGBTQ students said the policy would create a hostile environment and violate federal and state anti-discrimination laws. Here’s what to know about the proposal:

## What does the policy say?

Titled “Sex-Based Distinctions in Athletics,” the policy says that boys and girls’ sports teams will only be open to members of the same sex.

It defines sex as “the biological distinction between male and female based on reproductive biology and genetic make-up,” and says that when enrolling a child, parents “will designate the student’s sex for school records and that will remain on the school records unless the superintendent or athletic director has reasonable cause to believe that the student’s sex is other than designated.”

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The superintendent or athletic director can ask that a student “provide their original birth certificate certifying the student’s sex,” according to the policy.

It also says that athletic teams shall not be segregated on the basis of “irrelevant classifications,” including gender identity.

## Why is the policy being introduced?

The policy follows a presentation to the board last year from Greg Brown, a professor in exercise science at the University of Nebraska, who said that “males have undeniable, biologically based athletic advantages over females, in pretty much all sports.”

Brown has served as [an expert witness for Alliance Defending Freedom](#), a conservative Christian legal group that has represented clients opposed to LGBTQ rights and defended laws criminalizing gay and lesbian sexual conduct.

He was introduced to the Central Bucks board by the Harrisburg-based Independence Law Center, according to the Bucks County Courier Times. The law center, which focuses on religious liberty, helped craft regulations [to carry out the district’s policy on library books](#), leading to [the removal earlier this year of \*Gender Queer\* and \*This Book is Gay\*](#).

Emails obtained by the Courier Times show that [the law center was also involved in the policy regarding transgender athletes](#), supplying draft language last November similar to the policy introduced Wednesday.

The policy, which says that “separate athletic teams on the basis of sex preserve fairness, provide increased opportunity for girls, and are safer,” mirrors the policy adopted by the Hempfield School District in Lancaster County in July 2022.

Board members didn’t discuss the law center’s involvement Wednesday. They said it was necessary to have rules governing transgender students’ participation in sports, regardless of whether the district had experienced issues to date.

“There’s no way every person is going to know exactly what to do in this situation,” said Lisa Sciscio, the chair of the policy committee. “They look to our policy for guidance.”

## **Are policies like this being introduced elsewhere?**

Twenty-two states [have banned transgender student athletes](#) from playing on teams that match their gender identities, according to the Movement Advancement Project, a progressive think tank.

Pennsylvania has not. Former Gov. Tom Wolf vetoed a bill passed by the Republican-led Legislature last year that would have barred “students of the male sex” from girls’ sports teams.

The Pennsylvania Interscholastic Athletic Association, which governs school sports, has a one-line policy on transgender athletes: “Where a student’s gender is questioned or uncertain, the decision of the principal as to the student’s gender will be accepted by PIAA.”

“We feel like right now it’s best handled locally,” said Melissa Mertz, PIAA’s associate executive director. Principals “know better than us, they may have a scenario where it’s not an issue at all.”

Mertz said individual school districts were “well within their rights” to make their own policies. In addition to Hempfield, the Red Lion School District in York County in June passed the same policy regarding sex-based athletics.

Separate from athletics, the Pennridge school board in June passed a policy [requiring that students use group bathrooms in line with their sex](#), rather than gender identity.

## What are critics saying about the policy?

Critics say Central Bucks’ proposal is illegal.

The proposed policy “violates Title IX and related regulations and guidelines and further exacerbates the hostile environment for LGBTQ+ students that CBSD has created,” the Education Law Center, a legal group that advocates for underserved students, said in a statement. (An internal investigation commissioned by the district [found it had not created a hostile environment](#); the U.S. Department of Education’s Office for Civil Rights [is still investigating](#).)

The law center noted [concerns it raised to the Hempfield School District](#) last year, including federal court rulings that discriminating against transgender people is unlawful discrimination “on the basis of sex.”

“A policy that considers only ‘reproductive biology and genetic makeup’ and calls gender identity ‘irrelevant’ ignores the science and reinforces harmful, discriminatory stereotypes about trans people,” the law center said.

It added that Central Bucks’ policy would “clearly be prohibited” by the Biden administration’s proposed rule change to Title IX, [which would prohibit across-the-board bans](#) on transgender athletes participating on teams matching their gender identities.

At Wednesday’s meeting, Democratic board members objected to the policy — calling it discriminatory and a “manufactured distraction.”



One of those Democrats, Mariam Mahmud, said the policy “disregards expert guidance” that “allows for fair play at the school level.”

“Ask the volleyball player about safe play,” said Sharon Collopy, a Republican on the board, an apparent reference to a North Carolina high school student who says she was injured by a spike from a transgender athlete and has garnered media attention [while calling for a ban there](#).

## What happens next?

Sciscio, the committee chair, said Democrats could bring in a different expert to address the board when the committee meets again in September.

Some Republicans also proposed revisions to the policy. Sciscio, for instance, suggested incorporating language from a PIAA policy governing mixed-gender participation, requiring that schools consider whether allowing a boy seeking to play on a team with girls for a sport that isn’t offered for boys will create a safety issue or provide a competitive advantage.

The policy appears likely to bring more discussion, with the few members of the public who spoke during Wednesday’s meeting focusing on the issue.

“This is part of a national platform to divide communities and people in favor of winning votes,” said Jennifer Bish, of Furlong.

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