



BPJ and Hecox: Two Supreme Court Cases Impacting Transgender Student Inclusion in Sports

On Jan. 13, 2026, the Supreme Court will hear arguments in two cases about transgender students participating in school sports.

In *West Virginia v. BPJ*, an 11-year-old transgender girl (who is now 15) challenged a West Virginia state law banning her from playing school sports. In *Little v. Hecox*, a transgender collegiate athlete challenged an Idaho state law that said she could not compete on her university's track team. The Fourth and Ninth U.S. Circuit Courts of Appeals respectively found the West Virginia and Idaho laws were discriminatory and ruled that these student athletes could not be excluded from school sports participation because of their gender identity.

Why do these cases matter?

- The state bans being challenged by these student athletes violate both the Equal Protection Clause of the 14th Amendment and Title IX of the Education Amendments of 1972.
- Depending on what the Court decides, transgender students across the country could lose the opportunity to participate in school sports.
- The decision in these cases could also narrow legal protections against sex discrimination more broadly, undermining protections enshrined in Title IX.
- These cases are part of an effort by the Trump administration to erode longstanding civil rights protections that ensure all students can learn in an environment free from sex stereotypes and mandated gender conformity.
- For more information, please read our [blog](#) and [amicus brief](#).

Many organizations that support cisgender women athletes also fight to protect transgender women athletes

- Protecting the civil rights that transgender, intersex, and nonbinary students deserve is of vital importance; fighting for their rights in the courts is about protecting all women and girls who play sports.
- Sports bans violate both the Equal Protection Clause of the 14th Amendment and Title IX of the Education Amendments of 1972 — laws created to protect women and girls.
- The very same people who seek to police the bodies of transgender women also seek to punish all women who do not fall neatly into their idea of how women should look and act.
- Having a rigid standard of femininity that women must satisfy in order to be seen as a “real” woman leaves many individuals behind, including those who are intersex, those who have various medical conditions, and those who don’t conform to white standards of beauty.

Transgender inclusion in women’s and girls’ athletic spaces – like locker rooms – does not threaten the physical safety of cisgender women or girls

- Over 150 anti-sexual assault organizations have spoken publicly to declare their support for transgender-inclusive sex-separated spaces, including locker rooms and bathrooms, asserting that allowing transgender women and girls access to spaces that fit their gender identity does not threaten the safety of cisgender women and girls.
- Studies find that when transgender women and girls utilize facilities that align with their gender identity, they do not pose safety risks to cisgender women or girls.
 - However, when transgender women and girls are denied access to facilities consistent with their gender identity, they are at an increased risk of assault and abuse.

What harmful things are already happening because of state sports bans or partial bans?

- Transgender students already face a disproportionately high rate of bullying and violence while at school. Further excluding them from sports participation not only violates civil rights laws, but is a harmful and cruel practice. Inclusion in sports (and the friendships sports help students form) can be quite literally lifesaving.
- Cisgender athletes who were deemed “not feminine enough” have faced false claims of being transgender, leading to harassment that has put the physical and mental health of these women and girls at risk.
 - For example, in 2024, a member of the Utah State Board of Education took to social media to suggest a cisgender girl who played high school basketball was transgender because of her short hair, athletic build, and clothing choices. That student faced relentless bullying and even threats of violence because of the public accusation. This is just one example of how anti-trans sentiment also harms cisgender women and girls.
- Laws or policies requiring female athletes to “verify” their gender through sex testing, like invasive and traumatic medical examinations, put all women and girls at risk of embarrassment, assault, and abuse.
- Title IX heralded in an era of inclusion in sports; we risk losing the progress we have made if women and girls are once again limited by or barred from sports because of sex stereotypes or are forced to undergo unnecessary and degrading medical examinations.

Can we believe lawmakers who claim they are pushing anti-trans legislation because they are concerned about women's sports and safety?

- Some lawmakers would rather abdicate their responsibilities and scapegoat transgender students than address the real issues that girls and women face in school sports; like [widespread sexual abuse](#), [unfair pay](#), [harassment](#), and unequal access to training and [facilities](#).
- Rather than address these common issues and meaningfully [enforce Title IX](#), conservative lawmakers prefer to push a hateful ideology that [clogs up the courts](#) and distorts the law, perpetuates harmful stereotypes about women athletes, and strips civil rights protections from students.
- To be clear, whether there are [10 trans athletes](#), or tens of thousands of trans athletes, this fact remains the same: they are not a threat to women's sports, and should be included.
- The groups behind the political effort to exclude transgender girls from school sports include folks like [the architects](#) of Project 2025 and the far-right [Alliance Defending Freedom](#).
 - It is clear these groups do not support LGBTQI+ rights or women in general; they are the very same groups trying to roll back abortion rights and marriage equality.
 - Instead of protecting women, the issue these far-right extremist groups are focused on is motivating their bases through fear tactics and disinformation.

What NWLC is doing to push back

- The NWLC has been on the front lines of every major victory for women over the past 50 years. We have [written](#) and [spoken publicly](#) about how policing women's bodies, having rigid gender standards, and perpetuating old stereotypes about women in sports hurt all of us.
- We regularly file amicus briefs in lawsuits where we think we can make a difference, and we've filed briefs in every case that's been heard by circuit courts on the issue of sports bans.
 - NWLC filed an [amicus brief](#) with the Supreme Court in *B.P.J. v. West Virginia* and *Little v. Hecox*.
 - In *Gaines et al. v. NCAA et al.*, [NWLC fought](#) to protect the rights of transgender women so they could play NCAA college sports with their peers.
- Whenever we see an opportunity, NWLC calls out how women athletes are [actually](#) being treated unfairly compared to men athletes, like when they do not get equal access to training, equipment, or pay.

Resources

- [National Women's Law Center Files Brief in Landmark U.S. Supreme Court Cases Challenging State Bans on Transgender Student Athletes - National Women's Law Center](#)
- [How journalists covered the attack on trans rights in Trump's first 100 days](#)
- [National Statement in Support of Full and Equal Access for the Transgender Community from Anti-Sexual Assault and Domestic Violence Organizations — NTF](#)
- [The "Protection of Women and Girls in Sports Act" Reinforces Sexism and Abuse in Sports - National Women's Law Center](#)
- [What the Supreme Court Sports Ban Cases Could Mean for Trans Students and Gender Justice - National Women's Law Center](#)

If you'd like to be connected to an NWLC expert, please reach out to press@nwlc.org