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# GAME CHANGER? FAQs FOR GEORGIA SCHOOLS ABOUT THE NEW GENDER IDENTIFICATION RULES IN SPORTS

Insights  
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As the start of school quickly approaches for Georgia private K-12 schools, there's a little more planning to do this year: getting up to speed on the state's new gender identification requirements for interscholastic athletic participation. The Riley Gaines Act, effective on July 1, modifies existing law and mandates that participation in school athletic teams be based on "sex," defined as the biological sex "observed or clinically verified at or before birth." We'll explain the new law and provide you with a set of Frequently Asked Questions to help you prepare for this coming school year.

## New Law in a Nutshell

- Prior to this new law, public school districts, private schools, and state athletic associations could set their own guidelines and regulations on the appropriate parameters for transgender students to participate in school athletics. Now, the new law (found at O.C.G.A. § 20-2-315) creates a statewide standard that preempts local policies that may have allowed more flexibility.
- The new standard: Schools must only allow students to participate on teams matching their sex assigned at birth with no exceptions for gender identity or birth certificates that indicate a different sex than that assigned at birth.
- The Act also requires schools who sponsor or host interscholastic competitions to provide separate restroom and locker rooms, and overnight accommodations for male and female students during those competitions.

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- Lastly, the law provides “aggrieved” students or their par private cause of action for violations including injunctive monetary damages, and, if they prevail, attorneys’ fees a court costs.

## Frequently Asked Questions

Here is a series of frequently asked questions and answers to help Georgia’s K-12 independent schools get ready for this big change.

### Does this law apply to my school?

The Riley Gaines Act applies to public K-12 schools, colleges and universities and private schools that operate or sponsor a team that competes against a team operated or sponsored by a local school system or public school, or that participate in competitions organized, sanctioned, or scheduled by an athletic association with members that includes public schools.

### What does the law require schools to do?

Schools must ensure:

- Sports teams are designated based on biological sex at birth;
- Students participate only on teams matching their sex assigned at birth; and
- Sports teams’ records reflect biological sex, not gender identity.

### How is “sex” defined?

The statute defines “sex” as an “individual’s biological sex, either male or female.” It explains that an “individual’s sex can be observed or clinically verified at or before birth,” and “in no case” can it be “determined by stipulation or self-identification.”

Note that this is a departure from the previously controlling guidelines from the Georgia High School Association, which did not permit students to participate in a team that did not align with their sex as defined on their birth certificate. Because Georgia law provides a mechanism for changing

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the sex listed on a birth certificate, the sex marker on a birth certificate may no longer be determinative.

### **Can we allow a transgender girl to play on a girls' team if everyone on the team agrees?**

No, the law prohibits this regardless of student or parent consent. The law requires that sports participation must be based on sex assigned at birth, not gender identity.

### **Are there any exceptions?**

There is a narrow exception written into the law where girls may participate in boys' or coed teams if a comparable female sport is not offered at the school. For example, if a high school offers wrestling for boys but not girls, then a girl may join the boys' team. However, if the school does offer girls' wrestling, she must compete on the girls' team. This exception does not apply in the reverse. Boys are not allowed to join girls' teams even if there is no comparable boys' team.

### **Does this law apply to practices, exhibition games, or scrimmages?**

No, the law explicitly states that this does not apply to such activities.

### **How do we verify a student's biological sex if it's unclear or disputed?**

The law does not explicitly mandate how verification should occur. However, the statute does express that schools are not authorized to confirm sex through "visual inspection" of a student's "external sex organs."

Existing documentation listing sex at the time of enrollment may suffice, but because gender markers on a birth certificate can be changed by court order, it does create a gray area. The law does not address whether an amended birth certificate is sufficient proof or whether schools must or may investigate further.

If a student's sex is unclear or disputed, you should consider the following steps:

- Use the most original enrollment documentation available;

- Do not ask about transition history unless absolutely necessary and only if there is a compliance concern or if there is a formal dispute;
- Maintain confidentiality and avoid unnecessary inquiries into a student's medical history or status;
- Document the school's good faith efforts to comply with the law; and
- Consult with legal counsel.

### **Are there penalties for noncompliance?**

Yes, independent schools who fail to comply with the new law could see their athletic programs removed from participation in leagues or tournaments and could lose funding for athletic programs or other state-supported initiatives. Further, the law creates a private right of action, so a student or parent who believes they were deprived of an athletic opportunity, or subjected to retaliation for reporting a violation, may bring a civil lawsuit for injunctive relief, damages, and other relief available under law.

### **What should schools do next?**

Schools should:

- Update staff training on compliance;
- Revise student/employee handbooks and policies;
- Prepare clear guidelines for coaches, teachers, and administrators;
- Document any requests or accommodations and how they were handled;
- Maintain athletic team rosters by sex, as well as records of bathroom and locker room designations for interscholastic competitions or consider converting single-sex teams to co-ed teams;
- Prepare clear and consistent messaging to your school community about any changes to your sports program; and
- Avoid documenting unnecessary personal medical information.

## **Are transgender students still protected under Title IX or anti-bullying laws?**

If Title IX applied to your school because your school received Federal Financial Assistance, Title XI still applies and the Riley Gaines Act does not override federal protections against harassment, bullying, or discrimination. Transgender students are still entitled to a safe, respectful learning environment.

## **Will the Supreme Court weigh in?**

Yes, the Supreme Court recently accepted review of a case to decide whether states can ban transgender high school and college athletes from participating on female sports teams at their schools. [You can read about the case here](#). A final decision isn't expected until Spring 2026, so proceed with following Georgia's law until you hear otherwise.

## **Conclusion**

For further information, contact your Fisher Phillips attorney, the authors of this Insight, or any attorney on the firm's [Sports Industry Team](#) or [Education Team](#), or in [our Atlanta office](#). Fisher Phillips will continue to monitor developments impacting employers, so make sure that you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information direct to your inbox.