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STATE OF NEW YORK
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Joint Statement of the Office of the Attorney General and the State Education Department Regarding the Continued Protection of Transgender Students' Rights

Our offices write to explain that the U.S. Supreme Court's June 30, 2026, ruling in *West Virginia v. B.P.J.* does not change requirements under New York State law regarding protections for transgender students. New York State laws require that K-12 schools treat transgender students consistent with their gender identity at school, including in athletic team participation.

The U.S. Supreme Court explicitly stated that it was not deciding whether schools may allow transgender students to participate on sports teams consistent with their gender identity. Thus, the ruling leaves intact state laws, like those in New York, that require schools to permit transgender students to participate on athletic teams consistent with their gender identity.

New York State law continues to offer robust protections for transgender students, including the right to use facilities (such as restrooms and locker rooms) and to participate on athletic teams that align with their gender identity. Unlawful discrimination against transgender and gender nonconforming students includes asking questions about their birth sex, refusing to use their requested name or pronouns, and failing to treat them consistent with their gender identity.

We understand that the Supreme Court's ruling follows a series of intimidating federal government attacks on transgender students and the educators who support them. We therefore want to remind all K-12 educators that, despite these attacks, other aspects of federal law have not changed.

For instance, the First Amendment and Equal Access Act still require that if a public secondary school allows other student-led groups or clubs to operate, the school may not deny a gay-straight alliance (GSA) or similar student group equal access or a fair opportunity to operate based on the fact that the GSA addresses issues of interest to LGBTQI+ students. *See, e.g.*, 20 U.S.C. § 4071. Additionally, schools cannot impose a different set of student-conduct rules for GSAs than for other clubs.

New York school districts must continue to follow federal and New York State law, and the State Education Department and Office of the Attorney General stand behind districts and educators who uphold our State's commitment to equal educational opportunities for all students.