

Legislative Analysis



DESIGNATION OF SPORTS DIVISIONS

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<http://www.house.mi.gov/hfa>

House Bill 4066 (proposed substitute H-1)
Sponsor: Rep. Jason Woolford

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4469 as introduced
Sponsor: Rep. Rylee Linting

Committee: Government Operations
Complete to 5-14-25

SUMMARY:

House Bill 4066 would amend the Revised School Code to require the board of a school district or intermediate school district (ISD) or board of directors of a public school academy (PSA, or charter school) that participates in interscholastic athletic activities to designate interscholastic athletic teams and sports based on the **sex** of the participants as follows:

- Females, women, or girls.
- Males, men, or boys.
- Coeducational or mixed.

Sex would mean the biological indication of male or female, as listed on an individual's original birth certificate that was issued at or near the time of the individual's birth.

The bill also would prohibit a school district, ISD, or PSA described above from knowingly allowing individuals of the male sex to participate in any interscholastic athletic team or sport designated as only for participants of the female sex.

However, the bill states that it must not be construed to restrict the eligibility of any student to participate on any interscholastic athletic teams or in interscholastic sports that are designated as for participants of the male sex or coeducational.

Finally, the bill would prohibit an agency or political subdivision of the state, or an accrediting organization or interscholastic athletic association that operates or has business activities in the state, from processing a complaint, beginning an investigation, or taking an adverse action against a school district, ISD, or PSA for maintaining separate single-sex interscholastic athletic teams or sports only for participants of the female sex.

Remedies

A participant who is deprived of an athletic opportunity or suffers a direct or indirect harm as a result of a violation of the bill by a school district, ISD, or PSA would have a private cause of action for injunctive relief, damages, and any other relief available against the school district, ISD, or PSA.

A participant who is subject to retaliation or other adverse action by a school district, ISD, or PSA as a result of reporting a violation of the bill would have a private cause of action for

injunctive relief, damages, and any other relief available against the school district, ISD, or PSA that took the retaliatory or other adverse action.

A school district, ISD, or PSA that suffers any direct or indirect harm as a result of a violation against the provision described above pertaining to prohibited actions by agencies or political subdivisions, or accrediting organizations or athletic associations, would have a private cause of action for injunctive relief, damages, and any other relief available against the entity that violated those provisions.

Any civil action brought as a result of a violation of the bill would have to be initiated within two years after the date of the violation.

Proposed MCL 380.1290

House Bill 4469 would amend the Elliott-Larsen Civil Rights Act to provide that Article 4 of the act, which prohibits educational institutions from engaging in certain discriminatory practices, does not prohibit an educational institution that provides educational services for any of grades K to 12 and that is subject to Title IX of the federal Education Amendments of 1972¹ from basing an individual's eligibility to participate in athletics on the individual's biological sex as listed on the original birth certificate that was issued at or near the time of the individual's birth.

Proposed MCL 37.2405

FISCAL IMPACT:

House Bill 4066 would have no fiscal impact on the state and could create costs for traditional school districts, public school academies, and intermediate school districts.

Districts, PSAs, and ISDs may incur administrative costs to ensure compliance with the bill's requirements to prohibit children assigned the male sex at birth from participating in female sports divisions. These costs would likely be absorbed using existing staff time. Districts, PSAs, and ISDs that do not comply could be sued for damages under the bill. According to the Michigan High School Athletic Association (MHSAA), two transgender girls currently participate in high school sports statewide.²

In addition, the bill would have an indeterminate fiscal impact on local court funding units that would depend on how provisions of the bill affect court caseloads and related administrative costs. There is no practical way to estimate the number of violations that would occur under the bill or the number of civil actions that would be brought to the court as a result of the violations.

House Bill 4469 would not have a significant fiscal impact on the Department of Civil Rights. The bill would exempt educational institutions that base eligibility to participate in athletics on sex assigned at birth, as would be required by House Bill 4066, from the Elliott-Larsen Civil

¹ <https://www.law.cornell.edu/uscode/text/20/chapter-38>

² <https://www.bridgemi.com/talent-education/michigan-transgender-youths-continue-high-school-sports-despite-trump-order>

Rights Act. The department could potentially see an increase in civil rights complaint cases based on gender expression. An estimate of the number of potential additional cases is unknown, but the department would likely be able to cover the additional complaints and possible investigations with existing staff and resources.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.