

Please note: As of March 18, 2025, this section replaces the previously released 1.i.iii section of the [2023 Supporting Gender Expansive Students: Guidance for Schools](#). During this revision process, ODE will release individual section updates as soon as they are available, and will republish the full guidance when all updates have been made.

1.i.iii. Athletics

In Oregon, state nondiscrimination law prohibits discrimination on the basis of, among other things, gender identity.¹ In accordance with this law, schools are prohibited from excluding gender expansive students from participating in school athletics and activities that align with their consistently asserted gender identity if the basis of such exclusion is the student's gender identity. Schools should regularly review their athletics policies to ensure that they do not engage in discrimination against gender expansive students. Questions about individual sports eligibility or protocols should be directed to the applicable governing association.

Nonbinary, intersex, genderfluid, Two Spirit, and other students who do not consistently identify with the gender binary cannot be prohibited from playing on athletic teams of either gender, in alignment with Oregon nondiscrimination law. Athletic governing associations may have specific procedures the school should follow. The Oregon School Activities Association's (OSAA) policies state that if a student has tried out or participated in athletics or an activity that is gender-specific or gender-segregated, the student may not participate during that same season on a team of another gender.² However, that student may try out for and participate on teams of another gender in subsequent seasons, and may also participate in any school sports or activities open to all students (e.g., football, dance).

Athletic participation may require school-specific uniforms for each sport. Often these uniforms are designed based on historical practices containing assumptions about gender or anatomy (e.g., swimwear styles, athletic short length, etc.). Schools should develop any athletic uniform policies with consideration of the needs of gender expansive students. It is best practice for formal or informal athletic uniform policies to address the needs of gender expansive students and allow for flexibility related to student comfort and safety needs, while adhering to organizational and sport safety regulations.³ Schools may wish to consult with legal counsel or the appropriate governing association about individual student concerns. For questions regarding non-uniform athletic dress codes (e.g., game day dress, travel dress), schools should refer to the guidance under the [Student Identity and Expression section](#).

Example: Athletic Access and Support

A nonbinary intersex high school student (they/them) participates in girls volleyball in the fall and boys swimming in the winter in alignment with state nondiscrimination law and OSAA's regulations. The school meets with the

¹ [ORS 659.850](#)

² [Gender Identity Participation Policy](#), Oregon School Activities Association, Winter 2019

³ The [National Federation of State High School Associations](#) (NFHS) provides uniform rules for some high school sports. Contact [OSAA](#) with questions.

student to discuss their comfort and safety needs, and the student requests a slight uniform modification for swimming. After reviewing NFHS uniform rules and consulting with OSAA to assess appropriate accommodations to uniform regulations, the school provides a swim uniform that covers the student's torso.

Schools may wish to make [individualized support plans](#) with gender expansive athletes regarding athletic facilities access, travel, or to address other individual support needs.