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TN AG SKRMETTI JOINS MULTISTATE COALITION IN SUPPORT OF FLORIDA LAW PRESERVING GIRLS' SPORTS TEAMS FOR BIOLOGICAL FEMALES

Nashville- Tennessee Attorney General Jonathan Skrmetti joined a 21-state coalition of attorneys general in filing an amicus brief in support of a Florida law preserving separate school sports teams for girls and boys. Because Florida's law defines sex in terms of biology rather than gender identity, a transgender student has challenged it as a violation of equal protection and Title IX, the federal law that prohibits sex discrimination.

"For over fifty years, our federal law against sex discrimination, Title IX, has created opportunities for girls to thrive in the classroom and on school sports teams," General Skrmetti said. "Efforts to redefine the terms of Title IX by judicial fiat threaten that progress. There is nothing remotely illegal about requiring members of a girls' school sports team to be girls."

Following an increasingly popular litigation strategy, plaintiffs in cases like this one target states' understanding of sex as a biological fact, which in turn has led some courts to view these plaintiffs' arguments as traditional sex-discrimination claims. But, as the attorneys general explain, this framing of the argument misses the fact that the plaintiffs endorse sex discrimination and merely want to be included in the beneficiaries of that discrimination. The argument is fundamentally about the meaning of the term "sex" and not about sex discrimination.

The attorneys general assert "a strong interest in ensuring that federal law continues to permit a definition of sex that accords with biology and allows State to protect the health, safety, welfare, and privacy of all students." In furtherance of that interest, the attorneys general advocate for the court to apply a rational basis test, which is the test courts have applied in previous challenges to definitions of race in laws prohibiting racial discrimination.

Attorney General Skrmetti joined the effort led by Alabama Attorney General Steve Marshall, in addition to attorneys general from Alaska, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma, South Carolina, South Dakota, Texas, Utah, Virginia, and West Virginia. The brief was filed in the U.S. District Court for the Southern District of Florida.

Read the brief in its entirety [here](#).

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