

April 17, 2026

Title IX and the Minnesota Human Rights Act (MHRA) both aim to prevent sex discrimination but they currently represent a significant legal conflict in interpretation regarding transgender individuals and accommodations

	Federal IX	MHRA
Mandate	Federal position maintains the participation of sports is determined on the basis of sex at birth.	Minnesota recognizes gender identity to determine the sport of choice and in public accommodations and education.
Gender Identity	Currently interpreted by federal authorities to exclude biological males from female sports.	Interpreted by the state to require students be allowed to play on teams consistent with their gender identity.
Contact Sports	Allows separate teams for contact sports like football and basketball.	Allows separate teams for one sex whose athletic opportunities have been limited, but requires “substantially equal” treatment.
Enforcement	Can result in the loss of federal funding for schools.	Enforced through state courts and the Minnesota Department of Human Rights.

As of April 2026, Minnesota is in a direct legal dispute with the federal government over these differing interpretations:

- **Federal Investigation & Lawsuit:** The US Department of Justice sued Minnesota in March 2026, alleging that the state’s inclusive policies violate Title IX by allowing biological males to compete in girls sports.
- **State Position:** Minnesota’s Attorney General and the Minnesota State High School League (MSHSL) maintain that the MHRA requires schools to treat students according to their gender identity.
- **Potential Consequences:** Federal authorities have threatened to withhold over \$3 billion in annual funding from the Minnesota Department of Education if the state does not comply with the federal interpretation of Title IX.
- **Court Rulings:** April 2026, The 8th Circuit Court of Appeals upheld Minnesota’s policy allowing transgender student athletes to play on teams matching their gender identity.

The court agreed with earlier rulings that Female Athletes United cannot seek a preliminary injunction under Title IX.

The case continues in federal district court, and Minnesota's protections for transgender athletes remain in effect.

Restrooms and Locker Rooms; MDE "A Toolkit for Ensuring Safe and Supportive Schools for Transgender and Gender Nonconforming Students", Revised 9/25/2017

Minnesota Human Rights Act is the legal authority representing the students of Minnesota regarding gender identity, sports identity, and Title 9 assurances. No legal authority has legislated a change in the Minnesota Human Rights Act.

Title IX and the Minnesota Human Rights Act declare it is an unfair discriminatory to deny any student the full and equal enjoyment of any educational institution such as a public school. Schools ensure full and equal enjoyment of public accommodations for students where they are not stigmatized or segregated from the rest of the general student population when in exercising their right to the public accommodation.

"A policy that requires an individual to use a bathroom that does not conform to his or her gender identity punishes that individual for his or her gender nonconformance, which in turn violates Title IX." Whitaker v. Kenosha Unified School District, (7th US Circuit Court of Appeals, May 30, 2017).

Within the school setting, school officials and leaders need to ensure that all students have access to restrooms, have access to locker rooms to fully participate in classes, sports and activities and have access to hotel accommodations when traveling with school groups for athletic, educational and/or cultural purposes.

Schools should work with transgender and gender nonconforming students to ensure that they are able to access needed facilities in a manner that is safe, consistent with their gender identity and does not stigmatize them. Privacy objections raised by a student in interacting with a transgender or gender nonconforming student may be addressed by segregating the student raising the objection provided that the action of the school officials does not result in stigmatizing the transgender and gender non conforming student.