



New Hampshire Interscholastic Athletic Association

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Press Release

For Immediate Release

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RE: NHIAA By-Law Article II Sect. 21 (BCC: NHIAA Member Schools)

The NHIAA Council unanimously voted this week to suspend NHIAA By-Law Article II: Eligibility; Section 21. Since the passage of RSA 193:41, the NHIAA has been informing schools that they need to follow state and federal law when making gender-based eligibility determinations notwithstanding By-Law Article II Sect. 21. The adoption of RSA 193:41 this past summer had the effect of supplanting the NHIAA's by-law in this area and specifically provides that "(t)he state board of education, each local school board, and each governing body of a public charter school shall adopt and enforce policies to ensure compliance with this subdivision in the public schools governed by each respective entity." As you may be aware, the scope of these requirements are the subject of current litigation before the US District Court in New Hampshire in the matter of Tirrell v. Edelblut, which has been pending since August 2024.

Last week, the President issued an Executive Order, which further informs member schools' obligations with respect to gender-based eligibility determinations, including possible consequences to federal funding. In light of these developments, the NHIAA has consulted with legal counsel, and determined that it would be prudent to further clarify the NHIAA's requirements. In particular, the suspension of By-Law Article II, Section 21 reflects what has been the NHIAA's policy since the enactment of RSA 193:41, and seeks to clearly advise our member schools of their responsibility to comply with state and federal law.

Sect. 21: Policy Statement and School Recommendation Regarding Transgender Participation

(Suspended pending further review)

By-Law Article II Section 21 has been suspended pending further review. Member schools remain responsible for ensuring compliance with state and federal law regarding gender-based eligibility determinations, which may be reviewed as appropriate per the due process procedures found in NHIAA By-Law Article V, Section 1, B. (effective 2.14.25)

Contact:

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The New Hampshire Interscholastic Athletic Association is a private not for profit organization that has served as the leader of high school athletics for its member schools in New Hampshire since 1947. The Mission of the NHIAA is to ensure fair play in competition and equal opportunity in interscholastic athletics. Located in Concord, NH the NHIAA joins 49 other state associations and the District of Columbia in statewide oversight of high school interscholastic athletics. The NHIAA follows the rules and regulations of the National Federation of High School Associations based in Indianapolis, IN.