

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 605**

Introduced by Raybould, 28.

Read first time January 22, 2025

Committee: Education

- 1 A BILL FOR AN ACT relating to schools; to define terms; to require each
- 2 school board to adopt a policy relating to student participation as
- 3 a transgender student in extracurricular activities sponsored by
- 4 such school or an athletics or activities association to which such
- 5 school is a member as prescribed; and to state intent.
- 6 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** (1) For purposes of this section:

2           (a) Biological sex means the biological sex of an individual as the  
3 male or female gender assigned at birth;

4           (b) Gender means the state of being male or female;

5           (c) Gender eligibility means a student's gender for purposes of  
6 eligibility for activities sponsored by a school or by an athletic or  
7 activities association to which a school is a member, which shall be  
8 determined by the biological sex noted on the student's birth  
9 certificate;

10          (d) Gender expression means external appearance, characteristics, or  
11 behaviors typically associated with a specific gender;

12          (e) Gender identity means an innate sense of an individual's own  
13 gender; and

14          (f) Transgender means having a gender identity or gender expression  
15 that differs from societal expectations based on gender assigned at  
16 birth.

17          (2) Each school board shall develop and adopt a policy relating to  
18 student participation in extracurricular activities as a transgender  
19 student. Such policy shall:

20          (a) Require a student's medical information, which may include  
21 information regarding a student's transgender status, legal name, or  
22 gender assignment at birth, be kept confidential by the school in  
23 accordance with applicable local, state, and federal privacy laws unless  
24 required to be shared by law or policy or otherwise authorized by a  
25 student and such student's family;

26          (b) Require the following procedures in regard to allowing  
27 participation by a transgender student in extracurricular activities  
28 sponsored by a school or an athletics or activities association to which  
29 the school is a member:

30          (i) That a transgender student and such student's parent contact a  
31 school administrator or athletic director, in writing, indicating that

1 the student is a transgender student, having a consistent gender identity  
2 different than the biological sex on the student's birth certificate, and  
3 list the activities in which the student wishes to participate. Such  
4 writing shall be provided to the school board by the school administrator  
5 or athletic director;

6 (ii) That the school board determine if the student meets the  
7 eligibility standards for participation as a transgender student pursuant  
8 to the policy developed and adopted pursuant to this section and if the  
9 student is likely to meet the requirements of participation of any  
10 applicable athletics or activities association to which the school is a  
11 member; and

12 (iii) That, if the school board determines that the student meets  
13 the eligibility requirements of the school for participation as a  
14 transgender student in an extracurricular activity sponsored by the  
15 school or an athletics or activities association to which the school is a  
16 member, the school board submit such eligibility application to any  
17 necessary and applicable athletics or activities association required for  
18 participation by such transgender student;

19 (c) Require the following information be provided to the school  
20 board and authorize such information to be shared with any applicable  
21 athletics or activities association to which the school is a member if  
22 required by such association for a request by a student to participate in  
23 an extracurricular activity as a transgender student;

24 (i) The current school registration information of the student;

25 (ii) A written statement from the student and the student's parent  
26 or guardian affirming the consistent gender identity and expression to  
27 which the student self-relates;

28 (iii) Documentation from individuals including, but not limited to,  
29 parents, friends, and teachers affirming the actions, attitudes, dress,  
30 and manner of the student that demonstrate the student's consistent  
31 gender identification and expression;

1       (iv) Written verification from an appropriate health care  
2 professional of the student's consistent gender identification and  
3 expression;

4       (v) Medical documentation of any hormonal therapy, sexual  
5 reassignment surgery, physiological testing, counseling, or medical or  
6 psychological interventions on behalf of the student; and

7       (vi) Any other relevant documentation and information provided by  
8 the student or the student's parent or guardian;

9       (d) Require the following review criteria be used as part of a  
10 determination by the school board as to the approval or denial by the  
11 school board of a student application to participate in an  
12 extracurricular activity as a transgender student:

13       (i) That the documentation required pursuant to subdivision (2)(c)  
14 has been submitted to the school board; and

15       (ii) For a student applying to participate in an extracurricular  
16 athletic activity as a transgender female, that creditable medical  
17 documentation of hormonal therapy, sexual reassignment surgery, or  
18 physiological testing has been submitted to the school board and  
19 establishes that the transgender female student has either completed a  
20 minimum of one year of hormone treatment related to gender transition or  
21 undergone medically confirmed gender reassignment surgery and  
22 demonstrates to the school board through a medical examination and  
23 physiological testing that the transgender female student-athlete does  
24 not possess physical or physiological advantages over biological females  
25 of the same age group;

26       (e) Require that any hormone supplementation or suppression therapy  
27 by a student applying for participation in an extracurricular activity as  
28 a transgender student (i) is taken under the supervision of, and  
29 monitored by, a licensed physician and (ii) does not violate any  
30 performance-enhancing supplement policy of the school board or any  
31 athletics or activities association to which the school is a member;

1       (f) Require that upon approval by the school board and any  
2 applicable athletics or activities association to which the school is a  
3 member, the student may not return to such student's gender identified on  
4 the birth certificate for purposes of participation in an extracurricular  
5 activity sponsored by the school or an athletic or activities association  
6 to which the school is a member unless another evaluation is undertaken  
7 by the school board and applicable association, except that a transgender  
8 female student that has been approved for participation on a female team  
9 pursuant to such policy may participate on a male team when there is no  
10 female team available or offered by the school in such sport or a  
11 comparable sport. A transgender male student who has been approved for  
12 participation on a male team pursuant to this policy shall not be  
13 eligible for participation on a female team unless reevaluated and  
14 approved pursuant to the policy developed pursuant to this section;

15       (g) Require that if a student evaluated pursuant to the school  
16 board's policy is denied participation as a transgender student, the  
17 student's eligibility for extracurricular activities sponsored by the  
18 school or an athletics or activities association to which the school is a  
19 member remains with the team of the gender identified on the student's  
20 birth certificate;

21       (h) Require an appeals process be developed by the school board for  
22 a student evaluated pursuant to the school board's policy and require  
23 that the school board comply with the requirements of any appeals process  
24 not inconsistent with this policy that is adopted by an applicable  
25 athletics or activities association to which the school is a member;

26       (i) Require that a student approved to participate in an  
27 extracurricular activity as a transgender student pursuant to the policy  
28 developed and adopted pursuant to this section, use the restroom, shower,  
29 and locker room associated with the student's biological sex when  
30 necessary and appropriate or be assigned a separate restroom, shower, or  
31 locker room for use when appropriate and available; and

1       (j) Require that if a school board approves an application for a  
2 student to participate in an extracurricular activity as a transgender  
3 student in an activity that also requires such transgender student  
4 eligibility be approved by an athletics or activities association to  
5 which such school is a member, the school board shall cooperate with, and  
6 submit, any documentation required by the association in order for such  
7 student to receive a determination from such association relating to the  
8 transgender student's participation eligibility.

9       (3) A school board shall require eligibility for an extracurricular  
10 activity separated by male and female teams to be based on the student's  
11 gender as determined by the biological sex noted on the student's birth  
12 certificate unless approved for participation as a transgender student  
13 pursuant to the policy developed and adopted under subsection (2) of this  
14 section or by a policy relating to cross-gender participation in sports.

15       (4) Nothing in the policy developed and adopted pursuant to  
16 subsection (2) of this section shall be construed to encourage any  
17 student to undergo hormone therapy, sex reassignment surgery, or other  
18 medical treatment resulting in a change to the student's gender.

19       (5) Nothing in the policy developed and adopted pursuant to  
20 subsection (2) of this section shall be construed to affect a policy  
21 relating to cross-gender participation in sports which authorizes a  
22 female to participate on a male team when there is no female team offered  
23 or available by the school in that sport or a comparable sport.