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The extension of Bostock's reasoning to Title IX, via E.O. 13988, means that transgender and gender non-conforming students are entitled to legal protection from harmful sex-based discrimination in all educational environments and opportunities. This protection should not and does not require denial of biological sex or the displacement of sex as a valid means of classification in contexts where sex matters.

Single sex classification is sometimes reasonably necessary to ensure fairness, privacy, equality, safety, and/or dignity. Girls and women have valid legal interests in the continued legal permissibility of Title IX's sex-based classifications in educational settings including sports teams,<sup>[i]</sup> locker rooms, bathrooms, and student housing.

Indeed, Title IX and its implementing regulations stipulate that sometimes sex matters. Existing statutory and regulatory provisions therefore permit schools to maintain single-sex admissions policies (20 U.S.C. § 1681(a)(1)), single sex housing (34 C.F.R. § 106.32(b)), athletic scholarships (34 C.F.R. § 106.37(c)), gym and health classes (34 C.F.R. § 106.34(b)), sports teams (34 C.F.R. § 106.41(b)), and locker rooms and bathrooms (34 C.F.R. § 106.33).

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