

**SUBSTITUTE FOR
HOUSE BILL NO. 4066**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 1290. (1) The board of a school district or intermediate**
2 **school district or board of directors of a public school academy**
3 **that participates in interscholastic athletic activities shall**
4 **designate interscholastic athletic teams and sports based on the**
5 **sex of the participants as follows:**

6 **(a) Females, women, or girls.**

7 **(b) Males, men, or boys.**

8 **(c) Coeducational or mixed.**

9 **(2) A school district, intermediate school district, or public**



1 school academy to which subsection (1) applies shall not knowingly
2 allow individuals of the male sex to participate in any
3 interscholastic athletic team or sport designated for participants
4 of only the female sex.

5 (3) This section must not be construed to restrict the
6 eligibility of any student to participate on any interscholastic
7 athletic teams or in interscholastic sports that are designated for
8 participants of the male sex or coeducational.

9 (4) An agency or political subdivision of this state, or an
10 accrediting organization or interscholastic athletic association
11 that operates or has business activities in this state, shall not
12 process a complaint, begin an investigation, or take any other
13 adverse action against a school district, intermediate school
14 district, or public school academy for maintaining separate single-
15 sex interscholastic athletic teams or sports for participants of
16 only the female sex.

17 (5) A participant who is deprived of an athletic opportunity
18 or suffers a direct or indirect harm as a result of a violation of
19 this section by a school district, intermediate school district, or
20 public school academy has a private cause of action for injunctive
21 relief, damages, and any other relief available against the school
22 district, intermediate school district, or public school academy.

23 (6) A participant who is subject to retaliation or other
24 adverse action by a school district, intermediate school district,
25 or public school academy as a result of reporting a violation of
26 this section has a private cause of action for injunctive relief,
27 damages, and any other relief available against the school
28 district, intermediate school district, or public school academy
29 that took the retaliatory or other adverse action.



1 (7) A school district, intermediate school district, or public
2 school academy that suffers any direct or indirect harm as a result
3 of a violation of subsection (4) has a private cause of action for
4 injunctive relief, damages, and any other relief available against
5 the agency, political subdivision, accrediting organization, or
6 interscholastic athletic association that violated subsection (4).

7 (8) Any civil action brought as a result of a violation of
8 this section must be initiated within 2 years after the date on
9 which the violation occurred.

10 (9) As used in this section, "sex" means the biological
11 indication of male or female, as listed on an individual's original
12 birth certificate that was issued at or near the time of the
13 individual's birth.