



NICK BROWN
ATTORNEY GENERAL OF WASHINGTON

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July 14, 2026

The Honorable Steve Hobbs
ATTN: Stuart Holmes
PO Box 40229
Olympia, WA 98504-0229

Re: Ballot Title and Explanatory Statement for Initiative IL26-638

Dear Secretary Hobbs:

In accordance with RCW 29A.32.040 and RCW 29A.32.070, we supply herewith the Ballot Title and Explanatory Statement for Initiative IL26-638. The ballot title for Initiative IL26-638 was previously established, and is repeated here solely for convenience of reference.

Ballot Title

Statement of Subject: Initiative Measure No. IL26-638 concerns participation in athletics at K-12 schools.

Concise Description: This measure would prohibit students it defines as “biologically male” from competing in certain school athletic activities intended for female students only. It would require verification of biological sex by students’ healthcare providers.

Should this measure be enacted into law? Yes [] No []

EXPLANATORY STATEMENT

The Law as It Presently Exists

In Washington, school districts may offer extracurricular sports opportunities for students. Those sports must be offered to all public school students without regard to sex, but public schools may provide separate athletic teams based on sex. The Office of the Superintendent of Public Instruction also creates regulations and guidelines to eliminate discrimination in sports for students, and these regulations prohibit discrimination based on sex and gender identity.

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Public and private K-12 schools in Washington may allow individual athletes and teams to compete against athletes and teams from other schools. For public schools, a school district's board of directors is responsible for regulating these athletic activities but may delegate that responsibility to a nonprofit organization, such as the Washington Interscholastic Activities Association (WIAA). A nonprofit organization that regulates interschool sports may not discriminate on the basis of sex and must have written rules and policies regarding student participation.

The Effect of the Proposed Measure if Approved

If approved, this initiative would change participation rules for interschool sports. This initiative would, in its own language, prohibit "biologically male students from competing with and against female students" on sports teams or in individual events that are designated for female students only. This would generally prevent transgender girls from participating on girls' sports teams. This prohibition would affect public K-12 schools and also private schools that participate in the WIAA or similar nonprofit organizations.

Students who want to participate in interschool sports teams or individual events that are designated for female students only would have to provide a form that verifies the student's "biological sex." That form must be signed by the student's personal health care provider. The verification would have to be based on the student's reproductive anatomy, genetic makeup, or normal endogenously produced testosterone levels. Students would thus have to undergo some type of medical evaluation of their sex to participate in interschool sports designated for female students only.

Sincerely,

s/Karl D. Smith
KARL D. SMITH
Deputy Solicitor General
360-664-2510