IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

SELINA SOULE; CHELSEA MITCHELL; ALANNA SMITH; and ASHLEY NICOLETTI,

Plaintiffs,

v.

CONNECTICUT ASSOCIATION OF SCHOOLS d/b/a CONNECTICUT INTERSCHOLASTIC ATHLETIC CONFERENCE; BLOOMFIELD PUBLIC SCHOOLS BOARD OF EDUCATION; CROMWELL PUBLIC SCHOOLS BOARD OF EDUCATION; GLASTONBURY PUBLIC SCHOOLS BOARD OF EDUCATION; CANTON PUBLIC SCHOOLS BOARD OF EDUCATION; DANBURY PUBLIC SCHOOLS BOARD OF EDUCATION,

Defendants.

Case No.: 3:20-CV-00201-RNC

THIRD AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND DAMAGES

Dated: March 4, 2024

INTRODUCTION

1. Plaintiffs Selina Soule, Chelsea Mitchell, Alanna Smith, and Ashley Nicoletti are four girls who competed in high school interscholastic girls' track and field in Connecticut. Like large numbers of female athletes around the nation, each Plaintiff has trained much of her life—striving to shave mere fractions of seconds off her race times—in order to experience the personal satisfaction of victory, gain opportunities to participate in state and regional meets, gain access to opportunities to be recruited and offered athletic scholarships by colleges, and more.

2. Unfortunately for Plaintiffs and other girls in Connecticut, those dreams and goals—those opportunities for participation, recruitment, and scholarships—were directly and

negatively impacted by a policy that permits students[1] who are born male to compete in girls' athletic competitions if they identify as female.

3. This discriminatory policy regularly resulted in biological boys displacing girls in competitive track events in Connecticut—excluding specific and identifiable girls including Plaintiffs from honors, opportunities to compete at higher levels, proper placements, earned statewide rankings, and public recognition critical to college recruiting and scholarship opportunities that should go to those outstanding female athletes.

4. As a result, in scholastic track competition in Connecticut, more biological boys than girls experienced victory and gained the advantages that follow, even though postseason competition is nominally designed to ensure that equal numbers of biological boys and girls advance to higher levels of competition. In the state of Connecticut, students who are born female have materially *fewer* opportunities to stand on the victory podium, fewer opportunities to participate in post-season elite competition, fewer opportunities for public recognition as champions, and a much smaller chance of setting recognized records, than students who are born male.

5. This reality is discrimination against girls that directly violates the requirements of Title IX: "Treating girls differently regarding a matter so fundamental to the experience of sports—the chance to be champions—is inconsistent with Title IX's mandate of equal

[1] Because Title IX focuses on equal opportunities between the sexes, because this Complaint is precisely concerned with effects of *biological* differences between males and females, because the terms "boys" and "men" are commonly understood to refer to biological males, and to avoid otherwise inevitable confusion, we refer variously in this complaint to athletes who are biologically male as "boys," "men," or "biological males," and to athletes who are biologically female as "girls," "women," or biological females."

opportunity for both sexes." *McCormick ex rel. McCormick v. Sch. Dist. of Mamaroneck*, 370 F.3d 275, 295 (2d Cir. 2004).

I. JURISDICTION AND VENUE

6. This action pursuant to Title IX, 20 U.S.C. § 1681, *et seq*. and its interpreting regulations, raises federal questions and seeks redress for deprivation of rights protected by federal law.

7. This Court has original jurisdiction over the claims asserted in this Complaint under 28 U.S.C. § 1331, which provides jurisdiction for claims raising questions of federal law, and 28 U.S.C. § 1343(a), which provides jurisdiction for claims seeking vindication of civil rights protected by federal law.

8. This Court has authority to award the requested declaratory relief under 28 U.S.C. § 2201. This Court has authority to award the other relief requested under 28 U.S.C. § 2202.

9. Venue is proper in this Court under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims occurred in this District, and Plaintiffs and Defendants reside or have their principal place of business in Connecticut.

II. PARTIES

A. Plaintiffs

10. Plaintiff Selina Soule is a former female student and varsity track and field athlete at Glastonbury High School in Glastonbury, Connecticut. She currently resides in Florida.

11. Plaintiff Chelsea Mitchell is a former female student and varsity track and field athlete at Canton High School in Canton, Connecticut. Chelsea currently attends college out of state but maintains residency in Canton, Connecticut.

12. Plaintiff Alanna Smith is a former female student and varsity track and field athlete at Danbury High School in Danbury, Connecticut. Alanna currently attends college out of state but maintains residency in Danbury, Connecticut.

13. Plaintiff Ashley Nicoletti is a former student and varsity track and field athlete at Immaculate High School in Danbury, Connecticut. Ashley resides in Newtown, Connecticut.

14. The facts and circumstances giving rise to this complaint occurred within the District of Connecticut. Chelsea Mitchell, Alanna Smith, and Ashley Nicoletti all maintain residency within the District of Connecticut.

B. Defendants

15. Defendant Bloomfield Public Schools Board of Education is located in Bloomfield, Connecticut, and entered Terry Miller —a student born male— in Connecticut Interscholastic Athletic Conference (CIAC) girls' athletic competitions.

16. Defendant Cromwell Public Schools Board of Education is located in Cromwell, Connecticut, and entered Andraya Yearwood—a student born male—in CIAC girls' athletic competitions.

17. Defendant Glastonbury Public Schools Board of Education is located in Glastonbury, Connecticut, and provides opportunities for interscholastic competition for its students only through events sanctioned by and subject to the discriminatory policies of CIAC.

18. Defendant Canton Public Schools Board of Education is located in Canton, Connecticut, and provides opportunities for interscholastic competition for its students only through events sanctioned by and subject to the discriminatory policies of CIAC.

19. Defendant Danbury Public Schools Board of Education is located in Danbury, Connecticut, and provides opportunities for interscholastic competition for its students only through events sanctioned by and subject to the discriminatory policies of CIAC.

20. On information and belief, each of Bloomfield Public Schools, Cromwell Public Schools, Glastonbury Public Schools, Canton Public Schools, and Danbury Public Schools (collectively, "the Defendant Schools"), receives federal financial assistance.

21. All programs at the Defendant Schools are therefore subject to the requirements of Title IX.

22. Defendant Connecticut Association of Schools, Inc., which operates and is referred to herein under the name of the Connecticut Interscholastic Athletic Conference (CIAC) is a Connecticut not-for-profit corporation with its headquarters in Cheshire, Connecticut. CIAC is the "sole governing body for inter-scholastic athletic activities in Connecticut," and "directs and controls" all high school athletics for boys and girls in Connecticut.

23. CIAC is funded by dues from member schools that are subject to the obligations of Title IX. According to CIAC, "[v]irtually all public and parochial high schools in Connecticut are dues-paying members."

24. All Defendant Schools are dues-paying members of the CIAC.

25. On information and belief, all public schools in Connecticut receive federal funds covered by Title IX, and thus are subject to the requirements of Title IX.

26. CIAC is subject to the obligations of Title IX because it indirectly receives federal funding from its public member-schools, *see* 34 C.F.R. § 106.2(i).

27. CIAC is also controlled by member schools that are subject to the obligations of Title IX. The CIAC Board of Control is elected by the member schools, and a majority of the

CIAC Board of Control are principals or other senior administrators of member schools. CIAC policies are established by the principals of the member schools, through the CIAC Legislative Body which is made up of the principals of all member schools.

28. CIAC member schools have ceded controlling authority over Connecticut's high school athletic program to the CIAC.

29. On information and belief, the majority of CIAC member schools receive federal funds and are subject to the obligations of Title IX.

30. CIAC is separately subject to the obligations of Title IX because, on information and belief, it is a direct recipient of federal grant monies. For example, in 2018 CIAC received a grant of more than $350,000 from Special Olympics Connecticut, Inc. On information and belief, this grant was funded in whole or in substantial part by a grant from the United States Department of Education's Office of Special Education Programs (OSEP) via the Special Olympics, Inc., the national parent organization of Special Olympics Connecticut, Inc. Unified Champion School Program. Special Olympics Connecticut's program is administered by the CIAC. On information and belief CIAC continues to receive and accept federal grant monies.

31. On information and belief, CIAC is an indirect recipient of federal funding through Special Olympics of Connecticut (which receives grant money from OSEP) because several employees of Special Olympics of Connecticut provide the CIAC technical assistance in the administration of the Special Olympics Unified Champion Schools Program.

32. The Connecticut General Assembly's Office of Legislative Research also stated that the school districts have the power to organize athletic programs and decide in what sports to

compete, adding, "Boards have delegated authority over the organization of high school athletics to [the CIAC].[2]

33. CIAC controls and governs competition in 27 sports across three seasons each year, including Winter Indoor Track and Spring Outdoor Track. CIAC designates some sports only for boys (e.g. football and baseball), different sports only for girls (e.g. softball), and other sports for both boys and girls (e.g. swimming and track). For the latter sports, though, CIAC and its member schools have historically separated teams and competitions at the high school level by sex and prohibited biological boys from competing in the girls' events.

34. Each Defendant School actively works with and assists CIAC to schedule and organize interscholastic athletic competitions, including track and field meets, that are conducted subject to CIAC rules including the CIAC Policy at issue in this litigation. Each Defendant board of education causes the schools and athletic programs under its authority to abide by the rules, regulations, and qualifications of CIAC concerning eligibility, competition rules, and tournament policies and procedures.

III. FACTUAL BACKGROUND

A. The Goals and Requirements of Title IX, and Its Impact on Women's Athletics.

35. In 1972, Congress enacted Title IX, which provides: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance…." 20 U.S.C. § 1681(a).

36. In 1972, "sex" was widely understood to refer to the biological sexual categories

[2] *See, e.g.* https://www.cga.ct.gov/PS99/rpt%5Colr%5Chtm/99-R-1286.htm (last visited February 22, 2024).

of male and female.

37. Title IX was designed to eliminate significant "discrimination against women in education." *Neal v. Bd. of Trs. of Cal. State Univs.*, 198 F.3d 763, 766 (9th Cir. 1999).

38. According to one of its primary sponsors, Senator Birch Bayh, Title IX promised women "an equal chance to attend the schools of their choice, to develop the skills they want, and to apply those skills with the knowledge that they will have a fair chance to secure the jobs of their choice with equal pay for work." 118 Cong. Rec. 5808 (1972).

39. Before the enactment of Title IX in 1972, schools often emphasized boys' athletic programs "to the exclusion of girls' athletic programs," *Williams v. Sch. District of Bethlehem*, 998 F.2d 168, 175 (3rd Cir. 1993), and vastly fewer girls participated in competitive interscholastic athletics than did boys.

40. Many have argued that the competitive drive and spirit taught by athletics is one important educational lesson that carries over and contributes to lifetime success in the workplace.

41. In the statute, Congress expressly delegated authority to the United States Department of Health, Education and Welfare (the predecessor to the United States Department of Education) to promulgate regulations interpreting Title IX. 20 U.S.C. §1682. In 1975, HEW promulgated regulations that are codified at 34 C.F.R. Part 106 (collectively, the "Regulations"). Congress later allowed these regulations to take effect.

42. The implementing regulations make clear that Title IX applies in full force to athletic programs sponsored by recipients of federal financial assistance:

> No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics

separately on such basis.

34 C.F.R. § 106.41(a).

43. Title IX and its implementing regulations and guidance require that, if an entity subject to Title IX provides athletic programs or opportunities separated by sex, then it must do so in a manner that "provide[s] equal athletic opportunity for members of both sexes." 34 C.F.R. § 106.41(c).

44. 34 C.F.R. § 106.41(c) specifies ten (10) non-exclusive factors to consider in evaluating equal athletic opportunity:

1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes;
2. The provision of equipment and supplies;
3. Scheduling of games and practice times;
4. Travel and per diem allowance;
5. Opportunity to receive coaching and academic tutoring;
6. Assignment and compensation of coaches and tutors;
7. Provision of locker rooms, practice and competitive facilities;
8. Provision of medical and training services;
9. Provision of housing and dining facilities and services; and
10. Publicity.

45. Factor one of 34 C.F.R. § 106.41(c) is evaluated as the **effective accommodation** prong. Here, the "governing principle" is that "the athletic interests and abilities of male and female students must be equally **effectively accommodated**." 44 Federal Register 71,413, 71,414 (1979) (the "Policy Interpretation") (emphasis added). More specifically, the institution must accommodate the physical abilities of girls and women "to the extent necessary to provide

equal opportunity in . . . levels of competition," and competitive opportunities "which equally reflect their abilities." *Id.* at 71,417-418.

46. As another aspect of equal athletic opportunity, implementing regulations and guidance state that male and female athletes "should receive **equivalent treatment**, benefits and opportunities." Policy Interpretation, 44 Fed. Reg. 71,414 (emphasis added). Factors two through ten of 34 C.F.R. § 106.41(c) are used to evaluate **equal terms.** The "equal treatment" to which girls and women are entitled includes equal "opportunities to engage in . . . post-season competition," *id*. at 71,416, equal opportunities for public recognition, 34 C.F.R. § 106.41(c), and the right to be free of any policies which are "discriminatory in . . . effect" or that have the effect of denying "equality of athletic opportunity." *Id*. at 71,417.

47. In 1979, the Department of Education Office for Civil Rights (OCR) issued a policy interpretation of Title IX and the Regulations to provide recipients with more specific guidance about the statute's application to intercollegiate athletics. Policy Interpretation, 44 Fed. Reg. 71,413 *et seq*. Courts have recognized that the Policy Interpretation is also applicable to high school athletic programs.

48. The Policy Interpretation was further clarified by OCR through issuance of OCR's 1996 *Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test* (the "OCR Clarification"). 44 Fed. Reg. at 71,417.

49. In determining "whether the selection of sports and levels of competition effectively accommodates the interests and abilities of members of both sexes," both the 1979 Policy Interpretation and the 1996 OCR Clarification state that compliance with the effective accommodation prong is assessed by examining:

a. The determination of athletic interests and abilities of students;

b. The selection of sports offered; and

c. The levels of competition available, including the opportunity for team competition.

50. Finally, an overall determination of compliance will be made based on:

a. Whether the institution's policies are discriminatory in language or effect;

b. Whether substantial and unjustified disparities exist in the program as a whole between male and female students; or

c. Whether substantial disparities exist in individual segments between opportunities afforded to male and female students.

Policy Interpretation, 44 Fed. Reg. 71,418.

51. Title IX has been strikingly successful towards its intended goals. "For example, between 1972 and 2011, girls' participation in high school athletics increased from approximately 250,000 to 3.25 million students." U.S. Dept. of Educ., OCR, *Protecting Civil Rights, Advancing Equity* 33 (2015), https://bit.ly/2VF516Q. In college, women's numbers have grown almost as steeply, from 30,000 to more than 288,000 in 2017-18.[3] Following the United States' famed 1999 Women's World Cup win, the Ninth Circuit wrote that:

> The victory sparked a national celebration and a realization by many that women's sports could be just as exciting, competitive, and lucrative as men's sports. And the victorious athletes understood as well as anyone the connection between a 27–year–old statute [Title IX] and tangible progress in women's athletics.

Neal, 198 F.3d at 773.

[3] Doriane Lambelet Coleman et al., *Re-Affirming the Value of the Sports Exception to Title IX's General Non-Discrimination Rule*, Duke Journal of Gender Law Policy (2020), available at SSRN: https://scholarship.law.duke.edu/djglp/vol27/iss1/7, citing https://ope.ed.gov/athletics/#/.

B. Equal Opportunities in Athletics and the Physiological Differences Between the Sexes.

52. What Title IX does not require—or even permit—is that recipients blind themselves to students' sex when developing their athletic programs. Sponsors of the statute made that much clear during the debates in Congress,[4] and implementing regulations expressly permit schools to sponsor sex-specific teams "where selection for such teams is based on competitive skill or the activity involved is a contact sport." 34 C.F.R. 106.41(b).

53. In fact, ignoring the physical differences between the sexes would in many sports make it impossible to "accommodate the . . . abilities" of girls and women, and to provide athletic opportunities of equal quality to girls and women. In 1975, Dr. Bernice Sandler—who is frequently recognized as "the Godmother of Title IX"— told the House Subcommittee on Postsecondary Education, while testifying in support of regulations implementing Title IX, that to operate an entirely coed athletic program, ignoring differences in male and female physiology, would for many sports "effectively eliminate opportunities for women to participate in organized competitive athletics. For these reasons, such an arrangement would not appear to be in line with the principle of equal opportunity." Statement of Dr. Bernice Sandler, Director, Project on the Status & Education of Women, Ass'n of American Colleges, June 25, 1975, Hearings on Sex Discrimination Regulations at 343.

54. Dr. Sandler was correct. Permitting biological males to compete in girls' or women's athletic events doesn't merely add a new level of challenge for determined girls and women. Victory over comparably aged, talented, and trained biologically male athletes is

[4] S. Ware, Title IX: A Brief History with Documents, at 13 (2007).

impossible for girls and women in the vast majority of athletic competitions, because of inherent and biologically-dictated differences between the sexes.

55. While boys and girls are closer in athletic capability before biological boys hit puberty, male puberty quickly increases the levels of circulating testosterone in healthy teen and adult males to levels ten to twenty times higher than the levels that occur in healthy adult females, and this natural flood of testosterone drives a wide range of physiological changes that give biological males a powerful physiological athletic advantage over females.

56. The athletic performance-enhancing effects of testosterone are well known, and the anabolic steroids too often used by athletes to gain an unfair and prohibited advantage are often synthetic modifications of testosterone. Basically, from puberty on, biological boys and men have a large, natural, and equally unfair "doping" advantage over girls and women.

57. Physiological athletic advantages enjoyed over girls and women by similarly fit natal males after puberty include:

a. Larger lungs and denser alveoli in the lungs, enabling faster oxygen uptake;

b. Larger hearts and per-stroke pumping volume, and more hemoglobin per unit of blood, all enabling higher short-term and sustained levels of oxygen transport to the muscles;

c. An increased number of muscle fibers and increased muscle mass (for example, men have 75%-100% greater cross-sectional area of upper arm muscle than do comparably fit women, while women have 60-70% less trunk and lower body strength than comparably fit men);

d. Higher myoglobin concentration within muscle fibers, enabling faster transfer and "cellular respiration" of oxygen within the muscle to unleash power;

e. Larger bones, enabling the attachment of greater volumes of muscle fiber;

f. Longer bones, enabling greater mechanical leverage thus enabling males to unleash more power, e.g., in vertical jumps;

g. Increased mineral density in bones resulting in stronger bones, providing superior protection against both stress fractures and fractures from collisions;

h. And, of course, U.S. adult males are on average 5 inches taller than U.S. adult women.

58. These advantages enable biological males, on average, to demonstrate greater strength; run faster; jump higher and farther; throw, hit, and kick faster and farther; and exhibit faster reaction times than comparably fit, trained, and aged females. The administration of androgen inhibitors and cross-sex hormones after the onset of male puberty does not eliminate the performance advantage that biological men and adolescent boys have over women and adolescent girls.

59. Meanwhile, female puberty brings distinctive changes to girls and women that identifiably impede athletic performance, including increased body fat levels which—while healthy and essential to female fertility—creates increased weight without providing strength, as well as wider hips and different hip joint orientation that result in decreased hip rotation and running efficiency.

60. These are inescapable biological facts of the human species, not stereotypes, "social constructs," or relics of past discrimination.

61. As a result of these many inherent physiological differences between men and women after puberty, biologically male athletes consistently achieve records 10−20% superior to comparably aged, fit, and trained women across almost all athletic events, with disparities of up to 50% in events that require both strength and speed such as the baseball pitch. It is because of these biologically-based differences—rather than social or identity considerations—that most athletic competitions are separated by sex to protect fairness, safety, and equal opportunities and experiences for biological girls and women.

62. The basic physiological differences between males and females, especially after puberty, have long been recognized and respected by the different standards set for boys and girls in a number of athletic events. For example:

a. The net height used for women's volleyball is more than 7 inches lower than that used for men's volleyball.

b. The standard weight used in high school shot put is 4 kilograms for girls, and 5.44 kilograms (36% heavier) for boys.

c. The hurdle height used for the high school girls' 100-meter hurdle event is 33 inches, whereas the standard height used for boys' high school 110-meter hurdle is 39 inches.

d. The standard women's basketball has a circumference of 28 1/2 to 29 inches and a weight of 20 oz, while a standard basketball used in a men's game has a circumference between 29 1/2 to 30 inches and a weight of 22 oz.

63. In track and field events that do not use equipment, the physiological differences between males and females after puberty are stark in the record books. No one doubts that top male and female high school athletes are equally committed to excelling in their sport, and train equally hard. Yet boys and men consistently run faster and jump higher and farther than girls and women.

64. For example, in 2017, thousands of men and boys achieved times in the 400m faster than the best lifetime performances of three women Olympic champions in that event. Each year, thousands of men—and dozens or hundreds of high school boys under the age of 18—achieve times (or heights or distances) in track events better than the world's single best elite woman competitor that year.

65. As Duke Law professor and All-American track athlete Doriane Lambelet Coleman, tennis champion Martina Navratilova, and Olympic track gold medalist Sanya Richards-Ross wrote:

> The evidence is unequivocal that starting in puberty, in every sport except sailing, shooting and riding, there will always be significant numbers of boys and men who would beat the best girls and women in head-to-head competition. Claims to the contrary are simply a denial of science.
>
> Team USA sprinter Allyson Felix has the most World Championship medals in history, male or female, and is tied with Usain Bolt for the most World Championship golds. Her lifetime best in the 400 meters is 49.26 seconds. In 2018 alone, 275 high school boys ran faster on 783 occasions. The sex differential is even more pronounced in sports and events involving jumping. Team USA's Vashti Cunningham has the American record for high school girls in the high jump at 6 feet, 4½ inches. Last year just in California, 50 high school boys jumped higher. The sex differential isn't the result of boys and men having a male gender identity, more resources, better training or superior discipline. It's because they have androgenized bodies.[5]

66. As Professor Lambelet Coleman further explained in testimony before the House Judiciary Committee on April 2, 2019, in track events even the world's best women's Olympic athletes "would lose to literally thousands of boys and men, including to thousands who would be considered second tier in the men's category. And because it only takes three male-bodied athletes to preclude the best females from the medal stand, and eight to exclude them from the track, it doesn't matter if only a handful turn out to be gender nonconforming."[6]

67. This stark competitive advantage is equally clear at the high school level. To illustrate, the charts below show the best boys' and girls' times in the nation across five different high school track events during the 2019 indoor and outdoor season:

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[5] Doriane Lambelet Coleman, Martina Navratilova, et al., *Pass the Equality Act, But Don't Abandon Title IX, Washington Post* (Apr. 29, 2019), https://wapo.st/2VKlNN1.

[6] Testimony and illustrating graphic at https://docs.house.gov/meetings/JU/JU00/20190402/109200/HHRG-116-JU00-Wstate-LambeletColemanP-20190402.pdf, last visited February 22, 2024.

Table 1: Best High School Outdoor 100m Times in 2019[7]

Boy	Time	Girl	Time
Matthew Boling	9.98s	Briana Williams	10.94s
Micah Williams	10.21s	Semira Killebrew	11.24s
Langston Jackson	10.23s	Thelma Davies	11.25s
Joseph Fahnbulleh	10.23s	Tamari Davis	11.27s
Ryan Martin	10.26s	Arria Minor	11.31s
Kenan Christon	10.26s	Tianna Randle	11.32s
Lance Broome	10.27s	Taylor Gilling	11.32s
Tyler Owens	10.29s	Kenondra Davis	11.36s
Ryota Hayashi	10.29s	De'anna Nowling	11.40s
Marquez Beason	10.30s	Jacious Sears	11.41s

Table 2: Best High School Outdoor 200m Times in 2019[8]

Boy	Time	Girl	Time
Matthew Boling	20.30s	Briana Williams	22.88s
Kenney Lightner	20.48s	Thelma Davies	22.95s
Cameron Miller	20.52s	Tamari Davis	22.96s
Kenan Christon	20.55s	Kayla Davis	23.08s
Kennedy Harrison	20.60s	Taylor Gilling	23.10s
Joseph Fahnbulleh	20.67s	Arria Minor	23.10s
Lance Broome	20.69s	Aaliyah Pyatt	23.11s
Devon Achane	20.69s	Rosaline Effiong	23.16s
Daniel Garland	20.73s	Jayla Jamison	23.19s
Langston Jackson	20.73s	Dynasty McClennon	23.28s

[7] Results listed in this table are publicly available online at AthleticNET, https://www.athletic.net/TrackAndField/Division/Top.aspx?DivID=97967 (boys), and at AthleticNET, https://www.athletic.net/TrackAndField/Division/Top.aspx?DivID=97967&gender=f (girls). These results were last visited February 22, 2024.

[8] *Id.* These results were last visited February 22, 2024.

Table 3: Best High School Outdoor 400m Times in 2019[9]

Boy	Time	Girl	Time
Justin Robinson	44.84s	Kayla Davis	51.17s
Myles Misener Daley	45.62s	Jan'Taijah Ford	51.57s
Emmanuel Bynum	46.24s	Athing Mu	51.98s
Jayon Woodard	46.26s	Britton Wilson	52.06s
Alex Collier	46.33s	Ziyah Holman	52.12s
Jonah Vigil	46.43s	Kimberly Harris	52.16s
Zachary Larrier	46.49s	Aaliyah Butler	52.25s
Omajuwa Etiwe	46.51s	Caitlyn Bobb	52.79s
Sean Burrell	46.52s	Talitah Diggs	52.82s
Edward Richardson	46.55s	Aaliyah Butler	52.87s

Table 4: Best High School Indoor 60m Times in 2019[10]

Boy	Time	Girl	Time
Micah Williams	6.60s	Tamari Davis	7.27s
Lance Lang	6.62s	Briana Williams	7.28s
Marcellus Moore	6.65s	Thelma Davies	7.30s
Mario Heslop	6.70s	Moforehan Abinusawa	7.32s
Langston Jackson	6.74s	Jacious Sears	7.33s
Javonte Harding	6.77s	Semira Killebrew	7.34s
LaCarr Trent	6.79s	Alexa Rossum	7.40s
Justin Robinson	6.79s	Aliya Wilson	7.42s
Bryan Santos	6.79s	Kaila Jackson	7.44s
Tre Tucker	6.80s	Aja Davis	7.44s

[9] *Id.* These results were last visited February 22, 2024.
[10] Results listed in this table are publicly available online at AthleticNET, https://www.athletic.net/TrackAndField/Division/Event.aspx?DivID=102510&Event=42 (boys), and at AthleticNET, https://www.athletic.net/TrackAndField/Division/Event.aspx?DivID=102510&Event=42 (girls), last visited February 22, 2024.

Table 5: Best High School Indoor 800m Times in 2019[11]

Boy	Time	Girl	Time
Alfred Chawonza	110.57s	Athing Mu	123.98s
Malcolm Going	110.85s	Roisin Willis	125.70s
Miller Anderson	111.54s	Michaela Rose	126.93s
Luis Peralta	112.21s	Victoria Vanriele	127.24s
Jake Renfree	112.33s	Maggie Hock	127.68s
Liam Rivard	112.42s	Lily Flynn	128.15s
Conor Murphy	113.25s	Victoria Starcher	128.32s
Miguel Parrilla	113.41s	Aleeya Hutchins	128.52s
Darius Kipyego	113.43s	Sarah Trainor	128.60s
Theo Woods	113.53s	Makayla Paige	128.97s

68. In 2016, Vashti Cunningham set the high school American record in the girls' high jump at 6 feet, 4½ inches, and went on to represent the United States at the Olympics in that same year. Yet to quote Professor Lambelet Coleman again, if the 2016 girls' high school track competition had been open to biological males, "Cunningham would not have made it to her state meet, she would not be on the national team, and we would not know her name other than as a footnote on her father's Wikipedia page." And for the vast number of girls who benefit from the experience of competitive athletics even if they are not future champions, "if sport were not sex segregated, most school-aged females would be eliminated from competition during the earliest rounds." (Coleman 2020 at 20-21.)

69. Plaintiffs do not know whether, or if so when, the students with male bodies who

[11] Results listed in this table are publicly available online at AthleticNET, https://www.athletic.net/TrackAndField/Division/Event.aspx?DivID=102510&Event=4 (boys), and at AthleticNET, https://www.athletic.net/TrackAndField/Division/Event.aspx?DivID=102510&Event=22 (girls), last visited February 22, 2024.

competed against Plaintiffs in girls' CIAC track events began taking androgen inhibitors and/or cross-sex hormones. Nor does this matter. Administering testosterone-suppressing drugs to biological males by no means eliminates their performance advantage. Some physiological advantages—such as bone size and hip configuration—cannot be reversed once they have occurred. And suppressing testosterone in men after puberty also does not completely reverse their advantages in muscle mass and strength, bone mineral density, lung size, or heart size.

70. This reality is evident in the performance of biologically male athletes who have competed in the women's category after taking androgen inhibitors. For example, CeCe Telfer, a natal male who ran as Craig Telfer throughout high school and the first two years of college, certified compliance with the NCAA requirement of one year on testosterone-suppressing drugs and began competing in female track events in CeCe's senior collegiate year, for the 2019 indoor and outdoor track and field seasons. CeCe's "personal best" did not go down substantially in *any* event following at least a year on testosterone-suppressing drugs, and in a number of events instead *improved*:

Table 6: Comparison of "Craig" and "CeCe" Telfer Performance Times Before and After Hormone Suppression

Event	"Craig" Telfer	"Cece" Telfer
Indoor 200 Meter Dash	24.64s (2017)	24.45s (2019)
Indoor 60 Meter Hurdles	8.91s (2018)	8.33s (2019)
Outdoor 100 Meter Dash	12.38s (2017)	12.24s (2019)
Outdoor 400 Meter Hurdles	1:02.00s (2017)	57.53s (2019)

71. Not surprisingly, while *Craig* Telfer ranked 212th and 433rd in the 400-meter hurdles among men's Division II athletes in 2016 and 2017 respectively, *CeCe* Telfer took the Division II national championship in *women's* 400-meter hurdles in 2019.

72. Minna Sveard, the fastest female runner, finished almost a full two seconds behind Telfer, and was recognized only as coming in second.

73. In short, if biological males compete in girls' events, especially after puberty, equally gifted and dedicated female athletes are severely disadvantaged. In the last few years, this reality has been increasingly recognized in peer-reviewed scientific publications and by respected voices in sport policy.

74. As a result of that science and recognition, since 2020 an increasing number of national and international sporting bodies have revised their policies to prohibit biological males from competing in the female category. For example:

- In 2020, World Rugby adopted an absolute prohibition on biological males competing in the female category.[12] In 2022, England Rugby[13] and Welsh Rugby[14] did the same.
- In 2022, FINA banned biological males from elite female swimming competitions if they have experienced male puberty beyond Tanner Stage 2 or age 12.[15]
- Also in 2022, British Triathlon adopted an absolute prohibition on biological males in the female category.[16]

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[12] World Rugby Transgender Guidelines, https://www.world.rugby/the-game/player-welfare/guidelines/transgender (last visited February 22, 2024).
[13] RFU Gender Participation Policy – Frequently Asked Questions, https://www.englandrugby.com/dxdam/cc/cc222f52-677f-43f8-a4f9-75735f120986/RFU%20Gender%20Participation%20Policy%20FAQs.pdf (last visited February 22, 2024).
[14] WRU updates gender participation policy, https://www.wru.wales/2022/09/wru-updates-gender-participation-policy/ (last visited February 22, 2024).
[15] Policy on Eligibility for the Men's and Women's Competition Categories, https://resources.fina.org/fina/document/2022/06/19/525de003-51f4-47d3-8d5a-716dac5f77c7/FINA-INCLUSION-POLICY-AND-APPENDICES-FINAL-.pdf (last visited February 22, 2024).
[16] British Triathlon FRG029 – Transgender Policy, https://www.britishtriathlon.org/britain/documents/about/edi/transgender-policy-effective-from-01-jan-2023.pdf (last visited February 22, 2024).

- In 2023, World Athletics (track and field) barred biological males who have experienced any part of puberty beyond Tanner Stage 2 from competing in the female category.[17]
- Also in 2023, Union Cycliste International (World Cycling) adopted an absolute exclusion of biological males from the female category if they experienced any part of male puberty and changed the men's category to an open category.

C. Increasing Numbers of Girls Are Losing Athletic Victories and Opportunities to Male-Bodied Competitors.

75. In the past, it has been argued that the unfair impact of natal males competing in girls' and women's categories would be trivial, because few biological males will wish to do so. But over just the last few years, the problem of male-bodied boys and men taking opportunities from girls and women has grown very rapidly.

76. Across the country, natal males who identify as female have taken away opportunities from female athletes in a wide variety of sports and at various competition levels.

77. For example:

- In 2020, biological male athlete June Eastwood won the NCAA Division I Big Sky Conference Championship in the women's mile, displacing Mikayla Malaspina from first place and pushing 17 other women down in the rankings.[18]

[17] World Athletics Eligibility Regulations for Transgender Athletes, https://worldathletics.org/download/download?filename=c50f2178-3759-4d1c-8fbc-370f6aef4370.pdf&urlslug=C3.5%20%E2%80%93%20Eligibility%20Regulations%20Transgender%20Athletes%20%E2%80%93%20effective%2031%20March%202023 (last visited February 22, 2024).

[18] TFRRS Big Sky Indoor Track & Field Championships, February 27-29, 2020 meet results, https://www.tfrrs.org/results/64010/3985716/Big_Sky_Indoor_Track__Field_Championships/Womens-Mile [https://perma.cc/NH3G-XJ2Z]; *see also* Hasson, Biologically Male NCAA Runner Named Conference Female Athlete Of The Week, Daily Caller (Oct. 25, 2019), https://dailycaller.com/2019/10/25/transgender-athlete-week-june-eastwood-womens/ [https://perma.cc/7Z9N-C2LS] (last visited February 23, 2024).

Eastwood, who previously competed for three years on the men's team, was also named "Big Sky Female Athlete of the Week."

- In 2022, biological male athlete Lia Thomas won the NCAA Division I Swimming and Diving Championships women's 500-yard freestyle, beating out Ellie Marquardt for first place and displacing two female Olympic champions in the same race. Thomas was later nominated for the 2022 NCAA Woman of the Year award.[19]
- In 2023, biological male athlete Soren Stark-Chessa won a regional high school cross-country championship in Maine and beat the fastest female athlete in the race by a minute and 22 seconds.[20]
- In 2023, biological male athlete Aspen Hoffman (who placed 72nd the year prior when competing in the boy's category) broke the girls' 5000-meter record for Hoffman's school and took first at the Emerald Sound Conference Championships.[21]
- Also in 2023, middle school biological male athlete B.P.J. displaced more than

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[19] *See* Martin and Cash, *Swimmer Lia Thomas beat 2 Olympic medalists amid protest to make history as the first trans athlete to win an NCAA title*, Business Insider (Mar. 18, 2022), https://www.businessinsider.com/trans-swimmer-lia-thomas-beats-olympic-medalists-wins-ncaa-title-2022-3 [https://perma.cc/WCL6-J7A5]; *see also* Glass, *Trans swimmer, Lia Thomas nominated for NCAA Woman of the Year, The Advocate* (Jul. 19, 2022), https://news.yahoo.com/trans-swimmer-lia-thomas-nominated-175410521.html [https://perma.cc/G78N-9Z33] (last visited February 23, 2024).

[20] Craig, *Transgender girl makes history with victory at cross country regional*, Portland Press Herald, (Oct. 21, 2023)https://www.pressherald.com/2023/10/21/transgender-girl-makes-history-with-victory-at-cross-country-regional/ [https://perma.cc/Z8CW-Q7P2]; *see also* Maine Running Photos, https://mainerunningphotos.com/tag/soren-stark-chessa/ [https://perma.cc/GZM7-7US2] (last visited February 23, 2024).

[21] Athletic.net profile for Aspen Hoffman, https://www.athletic.net/CrossCountry/meet/194884/results/783867; *see also* Rao, *Who is Aspen Hoffman? Biological male from Seattle Academy takes first place on girl's team after ranking 72nd on boys*, SK Pop (Nov. 18, 2022), https://www.sportskeeda.com/pop-culture/who-aspen-hoffman-biological-male-seattle-academy-takes-first-place-girl-s-team-ranking-72nd-boys [https://perma.cc/U42Q-LUTR] (last visited February 23, 2024).

100 girls over 280 times over the course of the spring track and field season, and blocked girls from advancing to championship meets.

78. As increasing numbers of male-bodied athletes are competing in girls' and women's events each year, girls are in fact losing, and biological males are taking one "girls'" or "women's" championship, record, ranking, and placement after another.

79. Meanwhile, multiple sources report that the percentage of children identifying as transgender has multiplied rapidly within just the last few years.

80. As a larger wave of biological males claiming transgender identity as girls and women hits high school and college, the number of girls losing out on varsity spots, accurate placements, playing time, medals, advancement to regional meets, championship titles and records, and recognition on the victory podium, will also multiply. Indeed, given that it only takes three biological males to sweep the titles at local, regional, and national competitions entirely, and given the hard physiological facts reviewed above, if increasing number of natal males compete in girls' and women's athletics, those born female—girls—will simply vanish from the victory podium and national rankings.

81. This wave of lost opportunities and lost equality for girls is all the more inevitable when biological males are not merely permitted to take girls' slots and girls' titles, but are praised by schools and media as "courageous" and hailed as "female athlete of the year" when they do so.

82. Perhaps worse, if the law permits biological males to compete as girls in high school, then there is no principled basis on which colleges can refrain from recruiting these "top performing girls" (in reality genetically and physiologically male) for their "women's teams" and offering them the "women's" athletic scholarships.

83. In sum, because schools are permitting students possessing male physiology to compete against girls and women, girls and women are losing competitive opportunities, the experience of fair competition, and the opportunities for victory and the satisfaction, public recognition, and scholarship opportunities that can come from victory. More, girls and young women are losing their dreams. To American girls the message is, "Give up. You can't win."

IV. THE DISCRIMINATORY CIAC POLICY AND ITS IMPACT ON GIRLS

A. CIAC Adopts a New Policy Allowing Biological Males to Compete in Girls' Events.

84. Opportunities for female athletes in Connecticut have historically been limited. CIAC was founded in 1921 and sanctioned its first boys' championship event the following year. But the CIAC did not sanction its first girls' championship event until more than 40 years later in 1965.

85. In track and field, specifically, CIAC first sanctioned a championship in boys' outdoor track in 1929, followed by boys' indoor track in 1931. CIAC did not sanction the first girls' outdoor track championship until more than three decades later in 1969. Even then, girls would have to wait another twenty years until 1989 for CIAC to sanction girls' indoor track.

86. CIAC designates the following sports for boys:

1. Cross-country
2. Baseball
3. Basketball
4. Football
5. Golf
6. Ice hockey
7. Lacrosse
8. Soccer
9. Swimming
10. Tennis
11. Indoor track
12. Outdoor track
13. Volleyball
14. Wrestling

87. CIAC designates the following sports for girls:

1. Basketball
2. Cross-country
3. Field hockey
4. Golf
5. Gymnastics
6. Indoor track

7. Lacrosse	10. Swimming	13. Volleyball
8. Softball	11. Tennis	14. Wrestling
9. Soccer	12. Outdoor track	

88. CIAC designates all sports by sex and does not designate any sports as co-educational.

89. CIAC offers fewer opportunities for biological girls than biological boys as compared to overall Connecticut high school enrollment numbers. For example, during the school years 2016-2020, males comprised 55.5% of the athletes and females 44.5%, while males made up only 52% of the total Connecticut high school enrollment and females comprised less than 48%.[22]

90. CIAC rightly deems athletics an "integral" part of the state's "total educational program." CIAC declares that it seeks to offer athletic experiences that satisfy the highest "expectations for fairness, equity, and sportsmanship for all student-athletes and coaches" in order to maximize high school students' "academic, social, emotional, and physical development."

91. According to the CIAC eligibility rules, "[g]irls may participate on boys' teams" but "[b]oys may not participate on girls' teams." CIAC Handbook "Rules of Eligibility for Boys and Girls High School Athletics in Connecticut" pg. 208.

92. However, at some time before 2017, CIAC adopted a policy pursuant to which CIAC and member schools began allowing biological boys who identify as girls to compete in girls' athletic events.

[22] *See* CIAC Handbook 2016-17, 2017-18, 2018-19, 2019-20; *see also* State of Connecticut enrollment data for 2016-20 at Edsight.com.

93. The CIAC Policy determines—and requires member schools to determine—eligibility to compete in sex-specific athletic competitions solely based on "the gender identification of that student in current school records and daily life activities in the school…." The CIAC Policy does not take into account whether the biological male has undergone puberty or attempted to suppress testosterone.

94. As detailed later in this Complaint, CIAC and its member schools have permitted biologically male students to switch, from one season to the next, from competing (and losing) in boys' events to competing (and winning) in girls' events.

95. At the time that the CIAC adopted the CIAC Policy, all Defendants were aware that particularly after puberty, a natal male who competes in girls' events gains an "unfair advantage in competitive athletics" (CIAC By-Laws Article IX, Section B) due to increased physiological changes that occur during male puberty.

96. Upon information and belief, none of the Defendant Schools challenged or objected to the CIAC's new Policy.

97. Under the Supremacy Clause, the CIAC's and Defendant Schools' obligation to comply with Title IX is not alleviated by any State or local law, or rule or regulation of the CIAC. 34 C.F.R § 106.6(c).

B. CIAC's Policy Has Resulted in Unequal Opportunities for Girls in Track and Field Competitions in Connecticut.

98. As a result of CIAC's Policy, two students who were born genetically and physiologically male and have male bodies, Terry Miller and Andraya Yearwood, were permitted to compete in girls' athletic competitions beginning in the 2017 track season until they graduated at the end of the 2020 outdoor track season.

99. Between them, Terry and Andraya took 15 women's state championship titles

(titles held in 2016 by nine different Connecticut female athletes) and have taken more than 85 opportunities to participate in higher level competitions from female track athletes in the 2017, 2018, and 2019 seasons alone. (The 2020 season was cut short by the COVID-19 international pandemic.) In this section, we detail this adverse impact on girls and young women.

100. To understand how opportunities to participate in higher levels of athletic competition are determined for student athletes, it is necessary to understand how CIAC has organized interscholastic track and field competition in Connecticut. First, based on performance throughout the season, including in both regular and invitational meets, students may qualify to participate in state "Class" championships, with schools grouped by size (S, M, L, and LL). Thus, for example, a student might win the "Class M Women's Outdoor Track 100m" State championship. Next, the top-performing students within each State Class championship qualify to participate in the State Open championships, in which the top athletes in the state compete against each other regardless of the size of the school that they attend. And finally, the top performers in the State Open championships qualify to participate in the New England Regional Championship.

101. All names, times, and other information provided in this section are taken from public sources, including Connecticut high school track records available on AthleticNET, at the web addresses indicated. The records of biologically male athletes competing in women's events are indicated with gray shading.

102. In 2017, Andraya's freshman season, Andraya won CIAC's Class M state championship in both the women's outdoor 100m and 200m events:

Table 7: 2017 CIAC Class M Women's Outdoor Track 100m Results (May 30, 2017)[23]

Place	Grade	Sex	Name	Time	High School
1*	9	M	Andraya Yearwood	12.66s	Cromwell
2*	11	F	Kate Hall	12.83s	Stonington
3*	11	F	Erika Michie	12.93s	Woodland
4*	10	F	Raianna Grant	13.17s	Waterbury Career Academy
5*	9	F	Se-raya Steward	13.18s	Kaynor Tech
6	12	F	Jon-yea McCooty	13.30s	Northwest Catholic
7	12	F	Libby Spitzchuh	13.35s	Valley Regional

* Qualified for the State Open.

Table 8: 2017 CIAC Class M Women's Outdoor Track 200m Results (May 30, 2017)[24]

Place	Grade	Sex	Name	Time	High School
1*	9	M	Andraya Yearwood	26.08s	Cromwell
2*	11	F	Erika Michie	26.38s	Woodland
3*	11	F	Kate Hall	26.65s	Stonington
4*	11	F	Zora LaBonte	26.80s	Waterford
5*	11	F	Victoria Bower	27.05s	Rocky Hill
6	10	F	Raianna Grant	27.26s	Waterbury Career Academy
7	10	F	Sheena Wolliston	27.30s	Northwest Catholic

* Qualified for the State Open.

103. But for CIAC's Policy that allows biological males to compete in girls-only events, Kate Hall and Erika Michie would each have won first place in the Class M championship in one of these events in 2017. In 2016, two different girls did win these Class M state championship titles.

[23] AthleticNET, https://www.athletic.net/TrackAndField/MeetResults.aspx?Meet=306447&show=all, last visited February 22, 2024.
[24] *Id*.

104. Because only the top five finishers in each event qualified to participate in the Outdoor State Open championship, the decision of CIAC and Defendant Cromwell Board of Education to permit Andraya Yearwood to compete in these girls' events deprived Jon-yea McCooty and Raianna Grant of the opportunities that they had rightfully earned to compete in the State Open championship.

105. When one female athlete was asked about her loss, she said, "I can't really say what I want to say, but there's not much I can do about it."

106. It is starkly contrary to the terms, spirit, and goals of Title IX to tolerate a policy which first deprives a girl of an opportunity to participate in elite competition which she has rightfully earned, and then additionally intimidates her into silence about the injustice she has suffered. Nevertheless, Plaintiffs, too, have felt both the injustice and the sense of intimidation and silencing that this girl expressed.

107. Under CIAC's Policy, Andraya advanced to the 2017 State Open Women's Outdoor Track competition, where—still a freshman—Andraya again deprived a girl of a statewide title and opportunity to advance to still higher levels of competition that she had rightfully earned. But for CIAC's Policy, Plaintiff Chelsea Mitchell—then a fourteen-year-old freshman—would have had the nearly unprecedented opportunity to qualify as a freshman for the New England Regional Championships:

Table 9: 2017 CIAC State Open Women's Outdoor Track 100m Results (June 5, 2017)[25]

Place	Grade	Sex	Name	Time	High School
1*	12	F	Caroline O'Neil	12.14s	Daniel Hand
2*	12	F	Kathryn Kelly	12.36s	Lauralton Hall

[25] AthleticNet, https://www.athletic.net/TrackAndField/meet/306453/results/f/1/100m, last visited February 22, 2024.

3*	9	M	Andraya Yearwood	12.41s	Cromwell
4*	11	F	Tia Marie Brown	12.44s	Windsor
5*	12	F	Kiara Smith	12.59s	Jonathan Law
6*	11	F	Kate Hall	12.62s	Stonington
7	9	F	Chelsea Mitchell	12.69s	Canton
8	12	F	Tiandra Robinson	FS	Weaver

* Qualified for the New England Championship.

108. In the Winter 2017, Spring 2017, and Winter 2018 seasons, Terry Miller competed in boys' indoor or outdoor track events and did not advance to any state class or open championships in individual events. Just weeks after the conclusion of the Winter 2018 indoor season, Terry abruptly appeared competing in the girls' events in the Spring 2018 outdoor track season.

109. Terry's switch to competing in the girls' events immediately and systematically deprived female athletes of opportunities to advance and participate in state-level competition. According to Athletic.NET records, Terry never lost a women's indoor 55m or 300m final in the 2018 or 2019 track seasons. Nor did Terry lose a women's outdoor 100m final in which Terry competed.

110. Terry Miller also displaced a girl in numerous elimination track events. At the 2018 outdoor State Open, for example, Terry won the women's 100m event by a wide margin and set a new meet record, while Andraya finished second. But for CIAC's Policy, Bridget Lalonde would have won first place statewide in that event, Chelsea Mitchell would have won second place statewide, and Tia Marie Brown and Ayesha Nelson would have qualified to compete in the New England Championship:

Table 10: 2018 CIAC State Open Championship Women's Outdoor Track 100m Results (June 4, 2018)[26] [27]

Place	Grade	Sex	Name	Time	High School
1*	10	M	Terry Miller	11.72s	Bulkeley
2*	10	M	Andraya Yearwood	12.29s	Cromwell
3*	11	F	Bridget Lalonde	12.36s	RHAM
4*	10	F	Chelsea Mitchell	12.39s	Canton
5*	11	F	Maya Mocarski	12.47s	Fairfield Ludlowe
6*	10	F	Selina Soule	12.67s	Glastonbury
7	12	F	Tia Marie Brown	12.71s	Windsor
8	11	F	Ayesha Nelson	12.80s	Hillhouse

* Qualified for the New England Championship.

111. Terry likewise won the women's varsity 200m event at the 2018 outdoor State Open, pushing Plaintiff Chelsea Mitchell down in the rankings and setting another women's division meet record at the expense of the top-performing biological girl.[28]

112. The 2019 State Indoor Open saw similar results and a similar impact. Terry and Andraya finished first and second respectively in both the preliminary and final Women's 55m races, each time defeating the fastest girl by a wide margin:

[26] AthleticNet, https://www.athletic.net/TrackAndField/meet/334210/results/f/1/100m, last visited February 22, 2024.
[27] Video footage of this race provided by GameTimeCT and available here: https://twitter.com/GameTimeCT/status/1003739370736816129?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1003739370736816129%7Ctwgr%5Ec44498633c87496e6ec789d1ed680a4069b91039%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Ftbdailynews.com%2Fbrave-glastonbury-junior-selina-soule-speaks-out-in-must-watch-video-about-how-shes-effected-by-transgender-athletes-beating-her-in-track%2F (last visited February 23, 2024).
[28] Video footage of this race provided by GameTimeCT and available here: https://twitter.com/GameTimeCT/status/1003750542294822913?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1003750542294822913%7Ctwgr%5Ec44498633c87496e6ec789d1ed680a4069b91039%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Ftbdailynews.com%2Fbrave-glastonbury-junior-selina-soule-speaks-out-in-must-watch-video-about-how-shes-effected-by-transgender-athletes-beating-her-in-track%2F (last visited February 22, 2024).

Table 11: 2019 CIAC State Open Championship Women's Indoor Track 55m Preliminary Results (February 16, 2019)[29]

Place	Grade	Sex	Name	Time	High School
1*	11	M	Terry Miller	7.00s	Bloomfield
2*	11	M	Andraya Yearwood	7.07s	Cromwell
3*	12	F	Cori Richardson	7.24s	Windsor
4*	11	F	Chelsea Mitchell	7.27s	Canton
5*	12	F	Kate Shaffer	7.27s	Conard
6*	12	F	Ayesha Nelson	7.29s	Hillhouse
7*	12	F	Maya Mocarski	7.34s	Fairfield Ludlowe
8	11	F	Selina Soule	7.37s	Glastonbury
9	10	F	Kisha Francois	7.41s	East Haven

* Qualified for the women's 55m final.

Table 12: 2019 CIAC State Open Championship Women's Indoor Track 55m Final Results (February 16, 2019)[30] [31]

Place	Grade	Sex	Name	Time	High School
1*	11	M	Terry Miller	6.95s	Bloomfield
2*	11	M	Andraya Yearwood	7.01s	Cromwell
3*	11	F	Chelsea Mitchell	7.23s	Canton
4*	12	F	Kate Shaffer	7.24s	Conard
5*	12	F	Ayesha Nelson	7.26s	Hillhouse
6*	12	F	Maya Mocarski	7.33s	Fairfield Ludlowe
7	12	F	Cori Richardson	7.39s	Windsor

* Qualified for the New England Championship.

113. In the 55m final, Terry Miller broke the girls' State Open meet record, taking that

[29] AthleticNet, https://www.athletic.net/TrackAndField/meet/352707/results/f/1/55m, last visited February 22, 2024.
[30] *Id.*
[31] Video footage of this race provided by MileSplit CT and available at https://www.facebook.com/watch/?v=842864886055515 (last visited February 23, 2024).

honor away from a biological girl.

114. But for CIAC's Policy, Plaintiff Selina Soule as well as Kisha Francois would have advanced to the next level of competition in the indoor state championship 55m preliminary race and competed for a spot at the New England Championship. (Table 11)

115. But for CIAC's Policy, Plaintiff Chelsea Mitchell would have placed first in the 55m at the indoor state championship, been named State Open Champion, received a gold medal instead of a bronze medal, and received public recognition of her achievements. (Table 12)

116. But for CIAC's Policy, Kate Shaffer would have won second place in the 55m at the indoor state championship; and seventh-place senior Cori Richardson would have qualified for the New England Championship. (Table 12)

117. But for CIAC's Policy, Plaintiff Chelsea Mitchell would have made her school's history as the first female athlete from Canton High School indoor ever to be named State Open Champion, and the first ever Canton High School track athlete to be named a State Open Champion.

118. State Open Champions are recognized as All State Athletes, an award listed on college applications, scholarship applications, and college recruiting profiles. State Open Champions are also invited to the All-State Banquet and have their achievements celebrated with a banner in their high school gym.

119. But instead of receiving the accolades and publicity she earned, Plaintiff Chelsea Mitchell was repeatedly referred to in the press as the "third-place competitor."[32]

120. Following Terry Miller's sweep of the CIAC's Indoor Class S, State Open, and

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[32] *See, e.g.*, Pat Eaton-Robb, *Terry Miller, Andraya Yearwood, transgender sprinters, finish 1st, 2nd at Connecticut championships*, Washington Times (Feb. 24, 2019), https://www.washingtontimes.com/news/2019/feb/24/terry-miller-andraya-yearwood-transgender-sprinter/, last visited February 22, 2024.

New England titles[33] in the 55m dash and 300m, this student—genetically male and enjoying the athletic advantages bestowed by male physiology—was named "All-Courant girls indoor track and field athlete of the year" by the Hartford Courant newspaper.[34]

121. In the Spring 2019 track season, Terry Miller and Andraya Yearwood continued to displace girls including Plaintiffs from victory positions and opportunities to advance to elite levels of competition.

122. For example, in the Class S Women's Outdoor Track 100m qualifying race, Terry and Andraya took second and third place, excluding two girls from the opportunity to advance to the next level of competition. But for CIAC's Policy, Plaintiff Ashley Nicoletti as well as Annabelle Shanks would have advanced to the next level of competition in the outdoor Class S state championship 100m preliminary race and competed for a spot at the State Open Championship:

Table 13: 2019 CIAC Class S Women's Outdoor Track 100m Preliminary Results (May 30, 2019)[35]

Place	Grade	Sex	Name	Time	High School
1*	11	F	Chelsea Mitchell	12.14s	Canton
2*	11	M	Terry Miller	12.18s	Bloomfield
3*	11	M	Andraya Yearwood	12.50s	Cromwell
4*	10	F	Alisia Munoz	12.73s	Kolbe-Cathedral

[33] *See* photo of Terry's New England Regional Championship 55m dash win provided MileSplitMass and available at https://twitter.com/MileSplitMass/status/1101949770875187200?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1101949770875187200%7Ctwgr%5Ec44498633c87496e6ec789d1ed680a4069b91039%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Ftbdailynews.com%2Fbrave-glastonbury-junior-selina-soule-speaks-out-in-must-watch-video-about-how-shes-effected-by-transgender-athletes-beating-her-in-track%2F [https://perma.cc/QBC9-F3VM] (last visited February 23, 2024).

[34] https://www.courant.com/sports/high-schools/hc-sp-terry-miller-all-courant-20190410-36bj/, last visited February 22, 2024.

[35] AthleticNet, https://www.athletic.net/TrackAndField/meet/365961/results/f/1/100mm, last visited February 22, 2024.

5*	11	F	Brianna Westberry	13.05s	Capital Prep
6*	12	F	Olivia D'Haiti	13.08s	Kolbe-Cathedral
7*	9	F	D'Jior Delissir	13.16s	Bloomfield
8*	12	F	Sheena Wolliston	13.22s	Northwest Catholic
9	9	F	Ashley Nicoletti	13.27s	Immaculate
10	10	F	Annabelle Shanks	13.30s	Litchfield

* Qualified for the women's 100m final.

123. In that outdoor Class S state championship, Terry Miller and Andraya Yearwood placed first and third respectively in the Women's 100m race. But for CIAC's Policy, Plaintiff Chelsea Mitchell would have placed first in the 100m at the Class S outdoor state championship, been named State Champion, received a gold medal instead of a silver medal, and received public recognition of her achievements:

Table 14: 2019 CIAC Class S Women's Outdoor Track 100m Final Results (May 30, 2019)[36]

Place	Grade	Sex	Name	Time	High School
1*	11	M	Terry Miller	11.93s	Bloomfield
2*	11	F	Chelsea Mitchell	12.02s	Canton
3*	11	M	Andraya Yearwood	12.28s	Cromwell
4*	11	F	Brianna Westberry	12.82s	Capital Prep
5*	10	F	Alisia Munoz	12.86s	Kolbe-Cathedral
6	12	F	Sheena Wolliston	13.13s	Northwest Catholic
7	12	F	Olivia D'Haiti	13.14s	Kolbe-Cathedral
8	9	F	D'Jior Delissir	13.31s	Bloomfield

* Qualified for the State Open.

124. Similarly, Terry Miller easily won the women's 200m race at the 2019 State

[36] *Id.*

Outdoor Open. But for CIAC's Policy, Cori Richardson would have won the state championship in this event, Plaintiff Alanna Smith—as a freshman—would have finished runner-up, and Olivia D'Haiti would have advanced to the New England Championship:

Table 15: 2019 CIAC State Open Championship Women's Outdoor Track 200m Final Results (June 3, 2019)[37]

Place	Grade	Sex	Name	Time	High School
1*	11	M	Terry Miller	24.33s	Bloomfield
2*	12	F	Cori Richardson	24.75s	Windsor
3*	9	F	Alanna Smith	25.01s	Danbury
4*	11	F	Chelsea Mitchell	25.24s	Canton
5*	12	F	Nichele Smith	25.38s	East Hartford
6*	12	F	Bridget Lalonde	25.55s	RHAM
7	12	F	Olivia D'Haiti	25.63s	Kolbe-Cathedral

* Qualified for the New England Championship.

125. Considering the nine important state-level competitive events summarized in the tables above (including seven finals and two preliminary races) together with the parallel boys' competitions in these same events at these same meets, the result of the CIAC Policy was that girls received only one first place recognition out of 14 state championship events (Caroline O'Neil in the 200m State Open Women's race on June 5, 2017), while students born with male bodies captured 13 championships.

126. Students born male captured 22 out of 28 first and second place awards in those seven state-level championship events.

127. And from these competitions, students born male were awarded 68 opportunities

[37] AthleticNet, https://www.athletic.net/TrackAndField/MeetResults.aspx?Meet=364088&show=all, last visited February 22, 2024.

to participate in a higher-level state competition, while girls were awarded only 40 such opportunities—little more than half as many as went to biological boys.

128. In short, in these events girls received radically fewer opportunities to participate in elite post-season competition than did those born male.

129. Moreover, because Plaintiffs were forced to compete against biologically male athletes pursuant to the discriminatory CIAC Policy, all Plaintiffs were pushed down in the Connecticut high school statewide rankings year after year and were not recognized for placements they achieved against other female competitors.

130. For a list of races in which Plaintiffs Selina Soule, Chelsea Mitchell, Alanna Smith, and Ashely Nicoletti lost awards, were pushed down in placements, lost medals, or lost the opportunity to advance to meets because of biological males in their race under the CIAC Policy, see **Attachment A** (this attachment does not include statewide rankings).

131. Nor are these isolated examples. The operation of the CIAC Policy has deprived many female athletes in Connecticut of opportunities to achieve public recognition, a sense of reward for hard work, opportunities to participate in higher level competition, and the visibility necessary to attract the attention of college recruiters and resulting scholarships. The impact summary below identifies over 50 separate times in competitions between 2017 and 2019 that specific, identifiable girls have been denied the recognition of being named state-level first-place champions, and/or have been denied the opportunity to advance to and participate in higher-level competition, in CIAC-sponsored events as a result of the unfair participation of Terry Miller and Andraya Yearwood in girls' track competitions pursuant to the CIAC Policy.

132. In sum, the real-world result of the CIAC Policy is that in Connecticut interscholastic track competitions, while highly competitive girls are experiencing the no doubt

character-building "agony of defeat," they are systematically being deprived of a fair and equal opportunity to be rightly recognized for earned placements, achieve advancement opportunities to higher level meets, and experience the "thrill of victory." A transgender athlete advocate wrote in an op-ed that this should be accepted because part of competitive sports is "learning to lose." A policy such as the CIAC Policy that ensures that girls get *extra* lessons in losing, however, cannot be reconciled with Title IX.

Table 16: CIAC's Policy Impact Summary

2019 Outdoor Track Season					
Athlete	School	Meet	Event	Denied State Championship	Denied Participation
Chelsea Mitchell	Canton	Class S	100m	X	
Ashley Nicoletti	Immaculate	Class S	100m		X
Annabelle Shanks	Litchfield	Class S	100m		X
Olivia D'Haiti	Kolbe-Cathedral	Class S	100m		X
Sheena Wolliston	Northwest Catholic	Class S	100m		X
Chelsea Mitchell	Canton	Class S	200m	X	
Brianna Westberry	Capital Prep	Class S	200m		X
Shelby Dejana	Wilton	Open	100m		X
Alisia Munoz	Kolbe-Cathedral	Open	100m		X
Carly Swierbut	Newtown	Open	100m		X
Cori Richardson	Windsor	Open	200m	X	
Olivia D'Haiti	Kolbe-Cathedral	Open	200m		X
2019 Indoor Track Season					
Chelsea Mitchell	Canton	Class S	55m	X	

Sheena Wolliston	Northwest Catholic	Class S	55m		X
Audrey Strmiska	Griswold	Class S	55m		X
Jillian Mars	Bloomfield	Class S	300m	X	
Chelsea Mitchell	Canton	Open	55m	X	
Cori Richardson	Windsor	Open	55m		X
Selina Soule	Glastonbury	Open	55m		X
Jillian Mars	Bloomfield	Open	300m	X	
Shante Brown	Bloomfield	Open	300m		X
2018 Outdoor Track Season					
Nikki Xiarhos	Berlin	Class M	100m	X	
Kate Hall	Stonington	Class M	100m		X
Magnalen Camara	Amisted	Class M	100m		X
Noelle Konior	Berlin	Class M	100m		X
Nikki Xiarhos	Berlin	Class M	200m	X	
Kate Hall	Stonington	Class M	200m		X
Nyia White	Hillhouse	Class M	200m		X
Addie Hester	Northwestern	Class M	400m		X
Jada Boyd	Hillhouse	Class M	400m	X	
Bridget Lalonde	RHAM	Open	100m	X	
Tia Marie Brown	Windsor	Open	100m		X
Ayesha Nelson	Hillhouse	Open	100m		X
KC Grady	Darien	Open	100m		X
Nikki Xiarhos	Berlin	Open	100m		X
Bridget Lalonde	RHAM	Open	200m	X	
Jillian Mars	Bloomfield	Open	200m		X
Dominique Valentine	Immaculate	Open	400m		X

2018 Indoor Track Season					
Patricia Jurkowski	Seymour	Class S	55m	X	
Ahyvon Evans	Grasso Tech	Class S	55m		X
Chelsea Mitchell	Canton	Class S	300m		X
Haley Bothwell	Sacred Heart	Class M	55m		X
Patricia Jurkowski	Seymour	Open	55m		X
Bridget Lalonde	RHAM	Open	55m		X
Camille McHenry	Windsor	Open	300m		X
2017 Outdoor Track Season					
Kate Hall	Stonington	Class M	100m	X	
Jon'yea McCooty	Northwest Catholic	Class M	100m		X
Carly Gable	Northwestern	Class M	100m		X
Erika Michie	Woodland	Class M	200m	X	
Raianna Grant	WCA	Class M	200m		X
Erica Marriott	North Haven	Open	100m		X

133. These charts are examples, and do not include over 40 more missed championships, recognitions, and participation opportunities for girls in Connecticut who did not advance to or receive runner-up recognition in statewide competitions including major invitational meets, as well as girls who did not win or receive runner-up recognition in conference championships.

134. The harm inflicted on girls by the CIAC Policy, however, goes far beyond specific lost victories and lost opportunities to participate in elite meets, and far beyond the specific girls who have been deprived of that recognition and those opportunities. Instead, the harm extends at least to all girls who participate in track and field events under the CIAC Policy,

and indeed to girls—including young girls—who may now or someday *aspire* to become track and field athletes.

135. The cumulative effect of the CIAC Policy is that *all* girls in Connecticut do not receive equal athletic opportunities. Whether or not a girl is the one who loses out to a biological male in a particular race, the quality of competitive opportunities provided to *all* girls does not equally reflect the quality of competitive opportunities provided to biological boys, because—in contrast to natal males—girls are forced to face a level of competition that does not equally reflect and accommodate girls' different physiological characteristics and abilities.

136. Compared to biological boys, girls competing subject to the CIAC Policy lose not only placements, rankings, public recognition, victories and post-season slots, they lose even an equal *hope* of victory, success, and recognition. They do not have an equal chance to be champions; they cannot equally dream that if they train hard, they have at least the potential to stand on the victory podium.

137. Instead, when an athlete who is genetically and physiologically male is competing in the girls' division, Plaintiffs and other girls are forced to step to the starting line thinking, "I can't win." "I'm just a girl." This demoralizing message inflicted stigmatic harm on each of the Plaintiffs. The CIAC Policy communicated to them that their goals, their efforts, their athletic opportunities, their future scholarships and career prospects, and their status as female athletes were not worthy of recognition, value, and protection.

138. The Plaintiffs' personal and attainable goals of victory in fair competition were taken from them season after season, and meet after meet. The Plaintiffs were demoralized, knowing that their efforts to shave mere fractions of a second off of their race times in the hopes of earning placements, experiencing the thrill of victory, and advancing to next level meets could

all be for naught, and lost to mid-level biologically male athletes. They felt anxious about the unfairness of their races, and excluded from female-only competition by the CIAC Policy.

139. Plaintiff Alanna Smith knew before she got to the track that she had little hope of winning the top spot against a biological male—she and her fellow female competitors were simply competing for second or third place. While she felt upset and distracted by the unfairness of her competition, she did her best to maintain her composure on and off the track. But Alanna felt betrayed by and frustrated with the people who had the authority to do something about the situation—including the CIAC and Danbury Board of Education—but chose to open girls' sports to natal males. Alanna felt disrespected and trivialized by the male-bodied competitors who had no consideration for what this unfair competition was doing to her college opportunities.

140. Plaintiff Chelsea Mitchell felt stress, anxiety, intimidation, and emotional and psychological distress from being forced to compete against biological males with inherent physiological advantages in the girls' category. While important races always involve some element of stress, Chelsea has felt physically sick before races in which she knew she would have to race against a biological male.

141. Plaintiff Selina Soule suffered depression after being excluded from participation in State finals because top places in the girls' rankings were occupied by biological males. She felt hopeless because she knew that no matter how fast she ran—even if it was her personal best—it would not be enough to get a gold medal. With two male-bodied athletes in her race, she was instead fighting for a bronze medal at best.

142. Plaintiff Ashely Nicoletti, too, felt discouraged, anxious, and angry about being forced to compete against male-bodied athletes because she knew that she would lose. She was

intimidated as a freshman competing in her first state meeting having to race in the lane directly next to a male-bodied person whose muscle mass and stature dwarfed her.

143. And they were told to shut up about it. As another female Connecticut track athlete who was too afraid to let her name be used told a reporter:

> There's really nothing else you can do except get super frustrated and roll your eyes, because it's really hard to even come out and talk in public, just because . . . just immediately you'll be shut down.[38]

144. Chelsea Mitchell was instructed by officials of Canton High School to respond "no comment" if asked about running against biologically male athletes.

145. Upon information and belief, other male-bodied athletes have and continue to compete in girls' high school athletics in Connecticut under CIAC's Policy.

146. In sum, as a result of CIAC's Policy and Defendant Schools, there are fewer athletic participation opportunities for biological girls than boys in Connecticut, and Plaintiffs experienced fewer athletic opportunities as a result of competing against biological male athletes in their sport.

147. CIAC and Defendant Schools effectively made girls' sports co-ed across the state due to the discriminatory CIAC Policy. And the races in which Plaintiffs were forced to compete against male-bodied athletes were, in fact, co-educational due to the discriminatory CIAC Policy.

148. Despite a CIAC Policy that bars boys from competing in girls' sports, Connecticut female athletes, including Plaintiffs, were denied the opportunity to compete in events that were exclusively female. CIAC and Defendant Schools have disadvantaged girls by only providing "girls'" sports in which they were or could be forced to compete against

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[38] *Quoted in* Kelsey Bolar, *8th Place: A High School Girl's Life After Transgender Students Join Her Sport,* The Daily Signal (May 6, 2019), https://www.dailysignal.com/2019/05/06/8th-place-high-school-girls-speak-out-on-getting-beat-by-biological-boys/, last visited February 22, 2024.

biological males.

149. Each Plaintiff suffered discrimination while participating in the educational activities offered by the CIAC and its member schools, including Intervenors' Schools.

150. The CIAC and Defendant Schools offer proportionally more opportunities to biological males than female athletes compared to the high school population, especially given that female athletes do not possess sufficient skill to be selected in equal numbers for a single, sex-integrated team.

151. CIAC's Policy—and the Policy under which Defendant Schools offer girls' sports—is discriminatory in its terms and effect.

152. There is more than ample interest and ability among the female athletes of Connecticut—including at Defendant Schools—to sustain viable female-only teams, including in girls' track and field. Prior to CIAC's Policy, each Defendant School did, in fact, maintain viable female-only teams, including in girls' track and field.

153. High school girls in Connecticut have the interest and ability to compete effectively in girls' track and field. Girls' track and field is a major NCAA sport in which collegiate scholarships are offered, and Connecticut high schools (as well as schools across the United States) have offered the sport for many years.

154. Defendant Schools each maintain boys' track teams on which all male athletes—regardless of gender identity—are eligible to compete. The Policy had no meaningful impact on boys' athletics because there is no evidence that boys' placements, medals, advancement opportunities, or championship titles were systematically lost to biological girls.

155. Upon information and belief, the CIAC and Defendant Schools failed to assess the athletic interests and abilities of its student body prior to enacting its Policy—let alone in a

nondiscriminatory manner. The CIAC and Defendant Schools did not interview students, circulate questionnaires, conduct surveys, consult parents, or otherwise assess the interests of female athletes in female-only sports prior to enacting its discriminatory Policy that eliminated female-only competition.

156. Defendant Schools' participation in athletic events sponsored by the CIAC denied female athletes opportunities that were provided to biologically male athletes. By contrast, biological females were not depriving biologically male athletes competing on the boys' team of athletic opportunities, records, or medals.

157. Due to the CIAC Policy, the CIAC no longer sanctions and none of the Defendant Schools now offer exclusively female sports.

C. The CIAC Policy Creates Additional and Unequal Risks of Injury for Girls.

158. Although track and field is a noncontact sport, the CIAC Policy also applies in full, and with no additional limitations or safeguards, to sports that include bodily contact between players, or contact between players and balls or other equipment, such as soccer, basketball, and lacrosse.

159. Biological males exhibit large average advantages in height, weight, bone and connective tissue strength, speed, strength, and throwing and kicking speed over females. Even before puberty, males have a performance advantage over females in most athletic events.

160. In contact sports, these physical advantages mean that on average, collision with natal males, or with balls hit or thrown at higher velocity by generally stronger biological males, create a higher risk of injury for girls and women than they would experience playing against only females.

161. Studies show that girls and women already suffer a higher rate of concussions

than do boys and men when playing the same sports, and that girls suffer longer-lasting negative effects from concussions (such as cognitive impairment) than do boys. On information and belief, all Defendants are aware of this well-established medical science. On information and belief, already, significant numbers of girls are excluded from participating in athletics in Connecticut each season because they suffer or have suffered a concussion.

162. Likewise, females are far more vulnerable to Anterior Cruciate Ligament (ACL) injuries than are biological males based on their anatomical and physiological differences, including in track and field events. By some estimates, girls have as much as an 300% increased risk of an ACL injury compared to boys. This can be a career-ending injury, require surgery, and result in long-term pain and mobility problems. But when biological males compete in the female category, the risk for this orthopedic injury among women and girls is inevitably greater.

163. Failure to protect female-only categories in sport increases the risk and severity of injury suffered by female athletes.[39] By exposing girls to yet greater risk of concussion and other injury, the CIAC Policy fails to appropriately accommodate the physiological capabilities and abilities of girls, and fails to provide equal athletic opportunities for girls.

164. On information and belief, CIAC has in fact permitted biological males to compete in CIAC-sponsored competition in girls' sports in addition to track and field. According to a CIAC executive, the Policy "has been applied to teams on several occasions."

[39] *E.g.* In February 2024, biologically female athletes were physically injured in a high school girls' basketball game against a girls' team fielding a biologically male player who was reported to be over 6 feet tall with facial hair. *See* https://itemlive.com/2024/02/14/gender-identity-in-play-on-kipp-basketball-team/ [https://perma.cc/WB3F-E6LM], *see also* https://www.youtube.com/watch?v=PQpnxZRcx1E (last visited February 23, 2024).

D. Defendants Are on Notice of Their Violations of Title IX and Have Refused to Take Corrective Action.

165. The CIAC and Defendant Schools failed to respond to the expressed concerns and interests of its female students.

166. The CIAC and its member schools, including Defendant Schools, have been informed of the ways in which the Policy violates Title IX, and have been informed in detail about the actual impact that the Policy has had and is having on the quantity and quality of competitive opportunities for girls since well before June 18, 2019, on which date Plaintiffs filed a complaint concerning the Policy with the U.S. Department of Education Office for Civil Rights (OCR), and publicly posted that complaint online (the "OCR Complaint").

167. The OCR Complaint disclosed all facts concerning the impact of the Policy on female athletes in Connecticut that are gathered in this Complaint through the conclusion of the Spring 2019 Outdoor Season.

168. Since receiving the OCR Complaint, Defendants have taken no steps to change the Policy, to correct official records and publicity materials to give accurate credit to girls who would have earned higher placements, medals, advancement to higher level meets, and even championship titles but for Defendants' violations of Title IX, or to cease and correct their violations of Title IX in any way whatsoever.

169. In fact, long before filing the OCR Complaint, parents of Plaintiffs had repeatedly warned senior officials of CIAC and of Defendant Schools that the Policy was denying girls equal competitive opportunities and public recognition in track and field.

170. For example, on February 21, 2018, Christina Mitchell, mother of Plaintiff Chelsea Mitchell, sent a letter to the Executive Director of CIAC explaining in detail how the Policy deprives girls of fair and equal opportunities for competition.

171. After that time, Mrs. Mitchell and Bianca Stanescu, mother of Plaintiff Selina Soule, met and requested to meet repeatedly with responsible officials of CIAC and Defendant Schools to discuss their concerns about unfairness to girls, and to request that the Policy be changed.

172. Upon information and belief, multiple parents of Connecticut high school students emailed the CIAC in 2019 expressing concerns about the Policy and specifically about the participation of biological males in female track events.

173. The Defendant Schools—including Glastonbury and Canton Boards of Education—also received complaints from parents about biological males competing in girls' high school track.

174. In response to these warnings and complaints from parents concerning the effect of the Policy on girls, Defendants took no steps whatsoever to change the Policy, to correct official records and publicity materials to give accurate credit to girls who would have earned higher placements, medals, advancement opportunities, and championship titles but for Defendants' violations of Title IX, or to cease and correct their violations of Title IX in any way whatsoever.

175. Instead, when in March 2019—a year after her first letter—Mrs. Mitchell sent a third detailed letter on the same topic to Mr. Glenn Lungarini, then Executive Director of CIAC, Mr. Lungarini informed her that CIAC would no longer accept any communications from her, effectively retaliating against her for her prior complaints of discrimination against girls by imposing a gag order and denying her right to complain of sex-based discrimination against her daughter and other girls in Connecticut schools.

176. On information and belief, by no later than on or about October 4, 2019, the OCR

informed all Defendants that OCR found the allegations of the OCR Complaint sufficiently serious that OCR had initiated a formal investigation of those allegations against all Defendants.

177. Since receiving notice that the OCR had initiated a formal investigation of Defendants' alleged violations of Title IX, Defendants have taken no steps whatsoever to change the Policy, to correct official records and publicity materials to give accurate credit to girls who would have earned higher placements, medals, advancement to higher level meets, and championship titles but for Defendants' violations of Title IX, or to cease and correct their violations of Title IX in any way whatsoever.

178. The CIAC persists in its discriminatory Policy, and Defendant Schools persist in offering girls' sports only pursuant to such Policy, despite clear performance data showing that when biological males compete against females, they dominate. For example, between 2017-2019, Terry Miller and Andraya Yearwood won 15 women's state championship titles—a feat before unheard of by biological females. The previous year (2016), those titles were held by nine different girls.

179. Plaintiffs are entitled to injunctive relief requiring all Defendants to correct all league or school records to accurately reflect the achievements of these girls only in competition against other girls. Plaintiffs have a continuing interest in being rightly acknowledged for their achievements, something many athletes include on college, scholarship, and job applications. These records matter across a lifetime.

180. Failure to grant this requested relief will cause irreparable harm to Plaintiffs by continuing to deprive them of public recognition for their hard-earned athletic accomplishments. It would communicate to Plaintiffs that their efforts as female athletes are unworthy of protection and inferior to biological males. There is no adequate remedy at law for this harm.

181. The continuing, irreparable harm caused by Defendants' posting of inaccurate records resulting from the unlawful CIAC Policy outweighs any cognizable harm that granting the relief might cause Defendants, because the requested injunctive relief is already mandated by federal law.

COUNT I: TITLE IX

Sex Discrimination by Failing to Provide Effective Accommodation for the Interests and Abilities of Girls

182. Plaintiffs reallege and incorporate by reference all of the foregoing paragraphs of this Complaint.

183. All Defendants are subject to the obligations of Title IX.

184. Defendants have chosen to provide athletic opportunities, including in track and field, separated by sex. As a result, Defendants have an obligation to provide competitive opportunities for females that accommodate the physical abilities of girls in a manner that ensures that female athletes face competitive opportunities "which equally reflect their abilities" and which provide "equal opportunity in . . . levels of competition" as compared to the competitive opportunities enjoyed by biological boys.

Determination of Student Interests & Abilities

185. Defendants have failed to offer interscholastic athletic competition that does not disadvantage women, because the CIAC only sanctions and the Defendant Schools only offer competition for females that included the risk of competing against biological males and did, in fact, include male-bodied athletes.

186. The CIAC and Defendant Schools did not interview students, circulate questionnaires, conduct surveys, consult parents, or otherwise assess the interests of female athletes in female-only sports prior to enacting its discriminatory Policy that eliminated female-

only competition.

187. The CIAC persists in its discriminatory Policy, and Defendant Schools persist in providing female athletic opportunities exclusively via the CIAC's discriminatory Policy, despite clear performance data showing that when natal males compete against females, they dominate. The male and female performance data detailed above is widely available and known and has been known to Defendants.

188. The CIAC and Defendant Schools have failed to account for team performance records because it was clear that the biological males dominated female competition—even though one of the male-bodied athletes had competed on the boys' team for three seasons and never made it to a state championship event.

189. The CIAC and Defendant Schools have failed to be responsive to the expressed interests of female students (many via their parents) in female-only athletic competitions after they experienced the negative effects of the CIAC Policy. In fact, the CIAC refused to accept communication from one Plaintiff's mother, effectively retaliating against her for her prior complaints of discrimination against girls by imposing a gag order and denying her right to complain of sex-based discrimination against her daughter and other girls in Connecticut schools. The Defendant Schools, including Glastonbury and Canton Boards of Education, similarly ignored complaints from concerned parents. And at least one Defendant School—Canton Board of Education—allowed its coach to silence the female athletes who objected to the discriminatory Policy.

Selection of Sports Offered

190. The CIAC and Defendant Schools have chosen to offer sports separated (purportedly) by sex, including track and field. The CIAC does not sanction co-educational

sports.

191. Track is a non-contact sport in which opportunities for female athletes have historically been limited. CIAC first sanctioned a championship in boys' outdoor track in 1929, followed by boys' indoor track in 1931. CIAC did not sanction the first girls' outdoor track championship until more than three decades later in 1969. Even then, girls would have to wait another twenty years until 1989 for CIAC to sanction girls' indoor track.

192. Yet even though girls' opportunities in track and field have been limited, the CIAC with the assent of Defendant Schools chose to further reduce the opportunities for female athletes by eliminating female-only sports and making the girls' athletic competitions functionally co-educational.

193. There is more than ample interest and ability among the female athletes of Connecticut—including at Defendant Schools—to sustain viable female-only teams. In fact, prior to CIAC's discriminatory Policy, each Defendant School maintained a viable female-only track and field team.

194. High school girls in Connecticut have the interest and ability to compete effectively in track and field. Girls' track and field is a major NCAA sport in which collegiate scholarships are offered, and Connecticut high schools (as well as schools across the United States) have offered the sport for many years.

195. But as evidenced by the tables and physiological data above, female athletes do not possess sufficient skill to be selected in equal numbers for a single, sex-integrated team.

196. As a result of profound physiological differences between the sexes after puberty, the athletic abilities of girls relevant to track and field competitions are not equal to those of comparably fit and trained biological boys.

Opportunities to Participate & Equality of Competition

197. CIAC and Defendant Schools effectively made Connecticut girls' sports—including track and field—co-educational due to the discriminatory CIAC Policy. As a result, the athletic events in which the Plaintiffs competed against male-bodied athletes were not exclusively female.

198. CIAC and Defendant Schools have disadvantaged girls by eliminating female-only competitions and only providing "girls'" athletic competitions in which they were or could be forced to compete against biological males.

199. Moreover, by effectively canceling girls'-only athletic competition, the CIAC and Defendant Schools cannot show a history of expanding athletic opportunities for females. Quite the opposite—females in Connecticut competing under the CIAC Policy, including at or against Defendant Schools, now have materially fewer athletic opportunities than they used to because they no longer enjoy exclusively female competition.

200. Therefore, the CIAC and Defendant Schools offered proportionally more opportunities to biological males than female athletes compared to the average and individual Defendant high school population.

201. Moreover, there was ample interest among CIAC member schools, and specifically the Defendant Schools, to maintain viable female-only teams. Defendant Schools did, in fact, maintain viable female-only teams—including in girls' track and field—prior to CIAC's discriminatory Policy.

202. The CIAC and Defendant Schools have failed to offer participation opportunities for biologically male and female students in numbers substantially proportionate to their respective enrollments. For example, during the school years 2016-2020, males comprised

approximately 52% of the total Connecticut high school enrollment, but 55.5% of the high school athletes. Females, by contrast, comprised less than 48% of the Connecticut high school enrollment but only 44.5% of the state high school athletes. These athletic participation numbers are not substantially proportionate to their respective enrollments.

203. CIAC's Policy, and Defendant Schools' decision to only offer athletic competitions via the CIAC's Policy, were discriminatory in effect to female athletes, including Plaintiffs. The Policy had no meaningful impact on boys' athletics because boys' placements, medals, advancement opportunities, or championship titles were not systematically lost to biological girls.

204. Substantial and unjustified disparities existed in CIAC-sanctioned female sports compared with boys' sports, due to discriminatory Policy and clear physical differences that make it impossible for females' interests and abilities to be fully and effectively accommodated in a co-educational sport.

205. Substantial and unjustified disparities existed in female track and field opportunities at each Defendant School between the opportunities afforded to biologically male and female students. Biologically female students who identify as male are not and did not deprive boys of athletic opportunities; but biologically male students who identify as female did systematically deprive female athletes of placements, medals, titles, and other athletic opportunities.

206. Thus, all Defendants have violated their duty to provide competitive opportunities for female athletes that accommodate their abilities and provide equal opportunities in levels of competition, as illustrated by the fact that in events where students born male have actually been permitted in elite post-season competitions, students born male have been awarded far more first

place victories and recognitions than girls, and far more opportunities to advance to state finals.

207. All Plaintiffs were harmed by Defendants' failure to provide competitive opportunities that fairly and effectively accommodate the athletic abilities of girls. All Plaintiffs have been harmed by Defendant CIAC's imposition and administration of its policy. All Plaintiffs have been harmed by Defendant Bloomfield's conduct in applying and facilitating the CIAC Policy. Plaintiffs Selina Soule, Chelsea Mitchell, and Ashley Nicoletti have been harmed by Defendant Cromwell's conduct in applying and facilitating the CIAC Policy. Plaintiff Selina Soule has been harmed by Defendant Glastonbury's conduct in applying and facilitating the CIAC Policy. Plaintiff Chelsea Mitchell has been harmed by Defendant Canton's conduct in applying and facilitating the CIAC Policy. Plaintiff Alanna Smith has been harmed by Defendant Danbury's conduct in applying and facilitating the CIAC Policy.

208. Such harm includes loss of the experience of fair competition; loss of correct placements; loss of medals; loss of victories and the public recognition associated with victories; loss of opportunities to advance to higher-level competitions; and loss of visibility to college recruiters.

209. Accordingly, Plaintiffs are entitled to the relief requested herein.

COUNT II: Title IX

Sex Discrimination by Failing to Provide Equal Treatment, Benefits and Opportunities for Girls

210. Plaintiffs reallege and incorporate by reference all of the foregoing paragraphs of this Complaint.

211. All Defendants are subject to the obligations of Title IX.

212. Defendants have chosen to provide athletic opportunities in track and field separated by sex.

213. As a result, all Defendants have an obligation to ensure that female athletes receive equivalent treatment, benefits and opportunities in athletic competition as compared to biological boys.

214. Equivalent treatment and opportunities require equal opportunities to engage in post-season competition, and more broadly the right to be free of any policies which are "discriminatory in language or effect" or have the effect of denying "equality of athletic opportunity."

215. As detailed herein, the CIAC Policy deprived female athletes, including Plaintiffs Chelsea Mitchell, Selina Soule, Alanna Smith, and Ashley Nicoletti, of equal opportunities to engage in post-season competition, is discriminatory in effect, and denies girls equality in athletic opportunities, including equal opportunities to achieve and be recognized for victory.

216. By providing track and field competitive opportunities for girls subject to the CIAC Policy that permits students born male to participate in girls' events and be recognized as winners of girls' events, all Defendants have violated their obligation under Title IX to provide equal treatment, benefits and opportunities in athletic competition to girls.

217. All Plaintiffs are harmed by Defendants' failure to provide competitive opportunities that fairly and effectively accommodate the athletic abilities of female athletes. All Plaintiffs have been harmed by Defendant CIAC's imposition and administration of its policy. All Plaintiffs have been harmed by Defendant Bloomfield's conduct in applying and facilitating the CIAC Policy. Plaintiffs Selina Soule, Chelsea Mitchell, and Ashley Nicoletti have been harmed by Defendant Cromwell's conduct in applying and facilitating the CIAC Policy. Plaintiff Selina Soule has been harmed by Defendant Glastonbury's conduct in applying and facilitating the CIAC Policy. Plaintiff Chelsea Mitchell has been harmed by Defendant Canton's conduct in

applying and facilitating the CIAC Policy. Plaintiff Alanna Smith has been harmed by Defendant Danbury's conduct in applying and facilitating the CIAC Policy.

218. Such harm includes loss of the experience of fair competition; loss of accurate placements; loss of medals; loss of victories and the public recognition associated with victories; loss of opportunities to advance to higher-level competitions; and loss of visibility to college recruiters.

219. Accordingly, Plaintiffs are entitled to the relief requested herein.

PRAYER FOR RELIEF

Plaintiffs respectfully request that this Court enter judgment against Defendants and grant Plaintiffs the following relief:

(A) A declaration that Defendants have violated Title IX by failing to provide competitive opportunities that effectively accommodate the abilities of girls;

(B) A declaration that Defendants have violated Title IX by failing to provide equal treatment, benefits, and opportunities for girls in athletic competition;

(C) An injunction requiring all Defendants to correct all records where Plaintiffs have placed behind or lost to biologically male athletes with respect to any record or recognition purporting to record times, victories, rankings, or qualifications for competitions designated for girls or women, and conversely to correctly give credit, rankings, and/or titles to Plaintiffs who would have received such credit, rankings, and/or titles but for the participation of athletes born male and with male bodies in such competitions;

(D) An award of nominal damages and other monetary relief as permitted by law;

(E) An award of Plaintiffs' reasonable attorneys' fees and expenses, as authorized by 42 U.S.C. § 1988;

(F) Such other and further relief as the Court deems appropriate.

With respect to provisions (A) through (F) of the foregoing Prayer for Relief:

(1) Plaintiff Selina Soule seeks declaratory relief, injunctive relief to correct records, medals, placements, and nominal damages against Defendants CIAC and the Bloomfield,

Cromwell, and Glastonbury Boards of Education.

(2) Plaintiff Chelsea Mitchell seeks declaratory relief, injunctive relief to correct records, medals, placements, titles, and nominal damages against Defendants CIAC and the Bloomfield, Cromwell, and Canton Boards of Education.

(3) Plaintiff Alanna Smith seeks declaratory relief, injunctive relief to correct records, medals, placements, and nominal damages against Defendants CIAC and the Bloomfield and Danbury Boards of Education.

(4) Plaintiff Ashley Nicoletti seeks declaratory relief, injunctive relief to correct records, medals, placements, and nominal damages against Defendants CIAC and the Bloomfield and Cromwell Boards of Education.

Respectfully submitted this 4th day of March, 2024.

By: s/ *Roger G. Brooks*

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ATTACHMENT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

SOULE, *et al.*,

Plaintiffs,

v.

CONNECTICUT ASSOCIATION OF SCHOOLS, *et al.Ex*,

Defendants.

Case No.: 3:20-CV-00201-RNC

Dated: March 4, 2024

ATTACHMENT A

Plaintiffs' Records Taken by Biological Male Athletes

Date	Meet	Event	Result	Plaintiff(s)
05/06/17	Middletown Invite	200m	Andraya 3rd, Selina 36th	Selina
06/05/17	CT State Open	100m prelims	Andraya 2nd, Chelsea 8th	Chelsea
06/05/17	CT State Open	100m finals	Andraya 3rd, Chelsea 7th	Chelsea
06/05/17	CT State Open	200m	Andraya 8th, Chelsea 14th	Chelsea
06/10/17	New England Regionals	100m prelims	Andraya 3rd, Chelsea 13th	Chelsea
12/21/17	Old Saybrook Qualifier	55m	Andraya 1st, Chelsea 2nd	Chelsea
12/21/17	Old Saybrook Qualifier	300m	Andraya 1st, Chelsea 2nd	Chelsea
02/10/18	CT Championship - Class S	55m prelims	Andraya 1st, Chelsea 3rd	Chelsea
02/10/18	CT Championship - Class S	55m finals	Andraya 1st, Chelsea 4th	Chelsea
02/10/18	CT Championship - Class S	300m	Andraya 2nd, Chelsea 6th	Chelsea
02/17/18	CT State Open	55m prelims	Andraya 2nd, Chelsea 16th	Chelsea

04/27/18	Bristol Invite	100m prelims	Terry 1st, Andraya 2nd, Chelsea 3rd, Selina 4th	Chelsea & Selina
04/27/18	Bristol Invite	100m finals	Terry 1st, Andraya 2nd, Chelsea 3rd, Selina 4th	Chelsea & Selina
04/27/18	Bristol Invite	200m	Terry 1st, Andraya 2nd, Selina 3rd	Selina
05/05/18	Middletown Invite	100m prelims	Terry 1st, Andraya 2nd, Selina 8th	Selina
05/05/18	Middletown Invite	100m finals	Terry 1st, Andraya 2nd, Selina 6th	Selina
05/05/18	Middletown Invite	200m	Terry 1st, Andraya 4th, Selina 12th	Selina
05/12/18	Greater Hartford Invite	100m prelims	Terry 1st, Selina 3rd	Selina
05/12/18	Greater Hartford Invite	100m finals	Terry 1st, Selina 4th	Selina
06/04/18	CT State Open	100m prelims	Terry 1st, Chelsea 2nd, Andraya 4th, Selina 8th	Chelsea & Selina
06/04/18	CT State Open	100m finals	Terry 1st, Andraya 2nd, Chelsea 4th, Selina 6th	Chelsea & Selina
06/04/18	CT State Open	200m	Terry 1st, Andraya 7th, Chelsea 10th	Chelsea
06/09/18	New England Regionals	100m prelims	Terry 1st, Chelsea 7th, Selina 25th	Chelsea & Selina
06/09/18	New England Regionals	100m finals	Terry 1st, Chelsea 7th	Chelsea
12/15/18	Hillhouse Invitational	55m prelims	Terry 1st, Selina 13th	Selina
12/15/18	Hillhouse Invitational	55m semis	Terry 1st, Selina 5th	Selina
12/15/18	Hillhouse Invitational	55m finals	Terry 1st, Selina 7th	Selina

01/26/19	CCC Conf Championship	55m prelims	Terry 1st, Selina 4th	Selina
01/26/19	CCC Conf Championship	55m finals	Terry 1st, Selina 4th	Selina
02/07/19	CT Championship - Class S	55m prelims	Terry 1st, Andraya 2nd, Chelsea 3rd	Chelsea
02/07/19	CT Championship - Class S	55m finals	Terry 1st, Chelsea 2nd	Chelsea
02/16/19	CT State Open	55m prelims	Terry 1st, Andraya 2nd, Chelsea 4th, Selina 8th	Selina & Chelsea
02/16/19	CT State Open	55m finals	Terry 1st, Andraya 2nd, Chelsea 3rd	Chelsea
03/02/19	New England Regionals	55m prelims	Terry 2nd, Andraya 3rd, Chelsea 8th	Chelsea
03/02/19	New England Regionals	55m	Terry 1st, Andraya 3rd, Chelsea 8th	Chelsea
04/20/19	New York Relays	100m prelims	Terry 1st, Alanna 4th	Alanna
04/20/19	New York Relays	100m finals	Terry 1st, Alanna 4th	Alanna
05/11/19	Greater Hartford Invite	100m	Terry 1st, Chelsea 2nd, Selina 4th	Chelsea & Selina
05/11/19	Greater Hartford Invite	200m	Terry 1st, Chelsea 2nd, Selina 10th	Chelsea & Selina
05/30/19	CT Championship - Class S	100m prelims	Terry 2nd, Andraya 3rd, Ashley 9th	Ashley
05/30/19	CT Championship - Class S	100m finals	Terry 1st, Chelsea 2nd	Chelsea
05/30/19	CT Championship - Class S	200m	Terry 1st, Chelsea 2nd, Ashley 13th	Chelsea & Ashley
06/03/19	CT State Open	100m prelim	Terry 1st, Chelsea 3rd Alanna 4th, Andraya 5th, Selina 14th	Chelsea, Alanna & Selina

06/03/19	CT State Open	200m	Terry 1st, Alanna 3rd, Chelsea 4th	Alanna & Chelsea
06/8/19	New England Regionals	200m	Terry 1st, Alanna 3rd, Chelsea 5th	Alanna & Chelsea
01/04/20	Elm City Coaches Invite	55m prelims	Terry 1st, Selina 6th	Selina
01/04/20	Elm City Coaches Invite	55m finals	Terry 1st, Selina 3rd	Selina
01/11/20	Shoreline Coaches Invitational	55m prelims	Andraya 1st, Chelsea 2nd	Chelsea
01/11/20	Shoreline Coaches Invitational	55m finals	Andraya 1st, Chelsea 2nd	Chelsea
02/01/20	CCC Conf Championship	55m prelims	Terry 1st, Selina 4th	Selina
02/01/20	CCC Conf Championship	55m finals	Terry 1st, Selina 4th	Selina

*Data compiled from Athletic.net.