



## Fiscal Impact Statement

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## INITIATIVE 109: MALE AND FEMALE PARTICIPATION IN SCHOOL SPORTS

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**Date:** September 2, 2025

### Summary Information

**Overview.** The measure requires that K-12 and collegiate sports be designated as male, female, or coeducational and limits participation based on the participants' biological sex.

**Types of impacts.** The measure is projected to affect the following areas:

- Minimal State Workload
- School Districts

**Disclaimer.** This initial fiscal impact statement has been prepared for an initiative approved for petition circulation by the Secretary of State. If the initiative is placed on the ballot, Legislative Council Staff may revise this estimate for the ballot information booklet (Blue Book) if new information becomes available. Any appropriations required to implement this measure will be addressed through the annual or supplemental budget process if this measure is approved by voters.

**Table 1**  
**State Fiscal Impacts**

Type of Impact <sup>1</sup>	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

## Summary of Measure

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Effective January 1, 2027, the measure requires an interscholastic or intramural sport sponsored by a school or athletic association to be designated as one of the following, based on the participants' biological sex:

- males, men, or boys
- females, women, or girls; or
- coeducational, or mixed.

A team or sport designated for females, women, or girls cannot be open to male participants. A team designated for males, men, or boys cannot be open to female participants, unless there is no female team offered. The measure applies to sports offered by athletic associations, public, charter, private, or denominational elementary or secondary schools, and accredited public and private postsecondary educational institutions.

## Enforcement

The governing body of each school must adopt a policy to implement the measure. If the Commissioner of Education determines that a school district has intentionally refused to comply, the Commissioner must notify the district and provide reasonable time to comply. If the district does not comply and has not made a good faith attempt to comply, the Commissioner must take remedial action within their existing authority.

The measure also specifies that government entities, athletic associations, or licensing or accrediting organizations may not take any adverse actions against a school for maintaining separate team or sport for female students.

## State Expenditures

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If any school district is intentionally out of compliance with the measure, the measure increases workload and costs for enforcement in the Colorado Department of Education. Costs may include staff to handle complaints and conduct investigations, and costs for legal services provided by the Department of Law. The fiscal note assumes that school districts will comply with the measure and that enforcement costs will be minimal. If any additional costs for enforcement are required, they will be requested through the annual budget process.

In addition, state institutions of higher education will have additional expenditures to adopt or update policies for all interscholastic or intramural athletics programs. The fiscal note assumes that any costs will be covered by institutional revenue and that no change in state appropriations is required.

## School District

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The measure may increase expenditures for schools, school districts, and charter schools that offer interscholastic or intramural athletic programs to update policies. These costs are expected to be minimal. To the extent the Colorado Department of Education takes remedial action against school districts, costs may also increase.

## Effective Date

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If approved by voters at the 2026 general election, this measure takes effect January 1, 2027.

## State and Local Government Contacts

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Education

Higher Education

Law