

BILL: House Bill 47.Senate Bill 0381 - Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness In Girls' Sports Act)

DATE: January 31, 2024

POSITION: UNFAVORABLE

COMMITTEE: Ways and Means

CONTACT: Michele Schlehofer, chapter@md.glsen.org

GLSEN Maryland, the statewide chapter of GLSEN National, a nonprofit organization centered on creating and sustaining inclusive K-12 education for LGBTQ+ students, opposes HB47/SB0381 on the basis that it is discriminatory, based on sexist stereotypes, not rooted in science, runs contrary to the purpose of youth sports, and is publicly opposed by professional organizations with expertise in child development.

There is no scientific rationale for excluding trans children from sports. This bill is a solution in search of a problem. Transgender children, like all children, vary in physical characteristics and athletic ability. There is *no evidence* that transgender student athletes affect the fairness or competition of sports (ACLU, 2020). Thirty-two states, five territories, and Washington, D.C. permit trans youth to play sports, and years of open participation by transgender students in those places have produced no evidence of advantage or harm to other athletes. Both the International Olympic Committee and the National Collegiate Athletic Association, as well as several other professional athletic associations, have allowed trans athletes to play sports since as early as 2004; these associations have found that including trans athletes has not impacted the sport. **There is simply no empirical evidence for nor significant anecdotal data supporting the bill.**

Data from the CDC finds that states which pass trans sports bans such as HB47/SB0381 see a drop in girls' participation in sports. Alternatively, as reported by the Center for American Progress (Goldberg, 2021), creating policies which are inclusive of trans girls playing sports subsequently leads to an increase in girls' sports participation.

This bill is rooted in sexist stereotypes. The bill specifically targets women's sports, presumably because it incorrectly assumes that trans girls have an advantage in sports. There is no concern for trans boys who play sports, presumably as it is assumed they are not going to be competitive—this is a sexist assumption. Children vary in athleticism, and some physical traits are better for certain sports than for others; generalizations that trans girls have blanket advantages in all sports is sexist and false.

Excluding trans children from sports is discriminatory and psychologically harmful to them. Gender is central to how children see themselves (American Psychological Association, 2015). Research finds that there are no differences in how trans children and cisgender children (that is, children who are not transgender) understand their gender. Therefore, major mental health associations agree that transgender girls are girls. They are not boys and do not belong on boys' teams. Requiring transgender youth to athletically compete

on teams based on their sex assigned at birth is the same as banning them from athletic competition entirely (ACLU, 2020).

Science finds participation in sports results in positive outcomes, such as better grades, greater homework completion, higher educational and occupational aspirations, and improved self-esteem (Darling et al., 2005; Fredericks & Eccles, 2006; Marsh & Kleitman, 2003; Nelson, & Gordon-Larsen, 2006; Ortega et al., 2008; U.S. Department of Health and Human Services, 2008). All youth should have access to these benefits. **Denying transgender youth access to these benefits is discrimination.**

Excluding just some girls from sports runs contrary to the goals of sport. Excluding any subset of girls from sports encourages divisiveness and compromises group cohesion, undermining the benefits all youth deserve from team sports (ACLU, 2020).

Professional organizations publicly support transgender and nonbinary students' full and equal participation in sports, including the National Coalition for Women & Girls in Education and the American Psychological Association. Accordingly, GLSEN Maryland respectfully requests an **unfavorable** committee report on HB47/SB0381.

References:

- American Civil Liberties Union (2020). Four myths about trans athletes, debunked. <https://www.aclu.org/news/lgbtq-rights/four-myths-about-trans-athletes-debunked/>
- American Psychological Association. (2015). Guidelines for psychological practice with transgender and gender nonconforming people. *American Psychologist*, 70(9), 832-864. <https://www.apa.org/practice/guidelines/transgender.pdf> (PDF, 461KB)
- Darling, N., Caldwell, L. L., & Smith, R. (2005). Participation in school-based extracurricular activities and adolescent adjustment. *Journal of Leisure Research*, 37(1), 51–76. <https://doi.org/10.1080/00222216.2005.11950040>
- Fredericks, J. A., & Eccles, J. S. (2006). Is extracurricular participation associated with beneficial outcomes? Concurrent and longitudinal relations. *Developmental Psychology*, 42(4), 698–713. <https://doi:10.1037/0012-1649.42.4.698>
- Goldberg, S. K. (2021, February 8). Fair Play. Center for American Progress. Retrieved January 13, 2024, from <https://www.americanprogress.org/article/fair-play/>
- Marsh, H.W. & Kleitman, S. (2003). School athletic participation: Mostly gain with little pain. *Journal of Sport and Exercise Psychology*, 25(2), 205–228. <https://doi.org/10.1123/jsep.25.2.205>
- Nelson, M. C. & Gordon-Larsen, P. (2006). Physical activity and sedentary behavior patterns are associated with selected adolescent health risk behaviors. *Pediatrics*, 117(4), 1281–1290. <https://doi:10.1542/peds.2005-1692>
- Ortega, F. B., Ruiz, J. R., Castillo, M. J., & Sjörström, M. (2008). Physical fitness in childhood and adolescence: A powerful marker of health. *International Journal of Obesity*, 32, 1–11. <https://doi.org/10.1038/sj.ijo.0803774>
- U.S. Department of Health and Human Services (2008). 2008 Physical Activity Guidelines for Americans. <https://health.gov/our-work/physical-activity/previous-guidelines/2008-physical-activity-guidelines>