

BILL: Senate Bill 381
TITLE: Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness in Girls' Sports Act)
POSITION: OPPOSE
DATE: February 7, 2024
COMMITTEE: Education, Energy, and the Environment
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes Senate Bill 381, in favor of maintaining the locally controlled system of interscholastic athletics governed by the Maryland Public Secondary Schools Athletic Association (MPSSAA).

MABE opposes this bill because of the disruption it would introduce into the management of interscholastic sports programs offered in Maryland's public schools, and the potential for creating liability for discriminatory practices under a new statewide system of criteria for student participation in women's sports based solely on sex assigned at birth.

Interscholastic sports programs in Maryland's public schools are conducted in accordance with the standards developed by the Maryland Public Secondary Schools Athletic Association (MPSSAA) and the regulations adopted by the State Board of Education. Since 1991, interscholastic sports in Maryland have operated in accordance with the "Master Agreement Outlining the Interscholastic Structure for Public Schools in Maryland," which establishes the responsibilities of MPSSAA, MSDE, and local school systems. Local boards of education believe that this system of regulations and oversight is working well.

The MPSSAA Guidance for Participation of Transgender Youth in Interscholastic Athletics states that its purpose is "to designate a set of criteria in which student-athletes are able to compete on a level playing field in a safe, competitive and friendly environment, free of discrimination. At the center of educational programming is the value placed in providing equal opportunity for all students." The Guidance further provides that "each school system should develop and apply criteria for students to participate on interscholastic athletic teams consistent with their gender identity."

The Guidance includes several guiding principles and criteria for local school systems to use in determining eligibility of transgender students in interscholastic sports. These include attention to preserving the integrity of women's sports and policies which are fair in light of the tremendous variation among individuals in strength, size, musculature, and ability. In these ways, the guidance reflects Maryland's high priority on establishing and maintaining an interscholastic athletic system that assures that sports activities contribute to the entire educational program for all students choosing to participate.

For these reasons, MABE requests an unfavorable report on Senate Bill 381.