

TRANSGENDER INCLUSION IN HIGH SCHOOL ATHLETICS

The ability to participate fully in school life is critical for transgender students' wellbeing during adolescence. For students in general, having the opportunity to participate in sports results in positive outcomes—better grades, greater homework completion, higher educational and occupational aspirations, and improved self-esteem.ⁱ For lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) students, GLSEN reports show that athletes have a GPA that is between 0.2 and 0.4 points higher on a 4.0 scale than students not participating in athletics.ⁱⁱ Furthermore, 56% of LGBTQ team members and 66% of team leaders competing in high school sports report feeling a positive sense of belonging at school. Despite this encouraging data, many states and school districts struggle with the issue of inclusion in athletics. In 2019, 20 states have policies that ensure transgender students can participate in sports on a team or in competition based on their gender identity. 17 states have policies that prohibit participation by transgender student athletes and 13 states have no standard, public policies that guide transgender inclusion in sports.



EQUAL ACCESS FOR TRANS ATHLETES

Across the nation, schools and policymakers are coming to understand the following precepts about transgender students' participation in sports:

- The right of transgender students to participate in sports calls for the same considerations of fairness and equal access as their classmates;
- Not allowing transgender students to participate in sports violates their rights under Title IX, which has been interpreted under case law to include gender identity discrimination;
- Providing equal opportunities in all aspects of school programming is a core value in education;
- Athletics can provide a unique opportunity for inclusion for all students, regardless of race, religion, sexual orientation, gender identity, and/or gender expression.

For schools and districts, failure to be inclusive of transgender students in sports not only denies trans students the benefits of participating on a sports team, it may result in costly and divisive litigation. A growing number of states and localities are adopting specific legal protections for transgender students. In addition, state and federal courts are increasingly applying sex discrimination laws to prohibit discrimination against transgender people.ⁱⁱⁱ

WHAT MAKES AN INCLUSIVE POLICY?

In 2016, GLSEN partnered with athletes and advocates for LGBTQ youth to create a [model high school athletics policy](#), highlighting how to best include transgender students. Key points in the policy include:

1. **The student has a right to participate in athletics in a manner consistent with their gender identity.**
Regardless of what their birth certificate or government records indicate, if a student's gender identity can be confirmed by the process outlined below, they should be able to compete with teams in line with that identity.
2. **When a student or parent comes to administrators with a request to compete consistent with their gender identity, the school district should work with the state association to help ensure eligibility.**
School districts should have a process in place to ensure transgender eligibility claims can be considered fairly within the district.
3. **The state association should promote a fair and affirming hearing to consider the participation of the particular athlete.**
The state should consider the athlete's case for fair participation by bringing together a committee of invested stakeholders knowledgeable about the student, issues of gender identity, and athletics. The committee may include: the student, medical professionals familiar with working with trans youth, a school administrator, a licensed mental health provider, a staff member from the state based athletic association, educators in the student's school and/or advocates on behalf of the student. The committee will also review all documents submitted by the athlete, including written testimony from friends, parents, and teachers. Once the committee affirms the eligibility of the student, it will be in effect for the duration of the student's school athletic eligibility.
4. **The student has a non-negotiable right to both privacy and confidentiality throughout this process.**
Trans athletes are also protected by HIPPA and FERPA, federal laws that protect the rights of students to keep medical and personal information private. No part of the process of applying for eligibility should infringe on the student's rights to privacy and the district and the state association have no legal right to share documents that were under consideration in the eligibility hearing or any part of the process.
5. **Transgender student athletes, once approved for play, have the right to access the same facilities as their teammates.**
This includes access to locker rooms, restrooms, hotel rooms, etc. The student should also have access to uniforms that are in line with their gender identity and should be called by the proper name and pronouns.

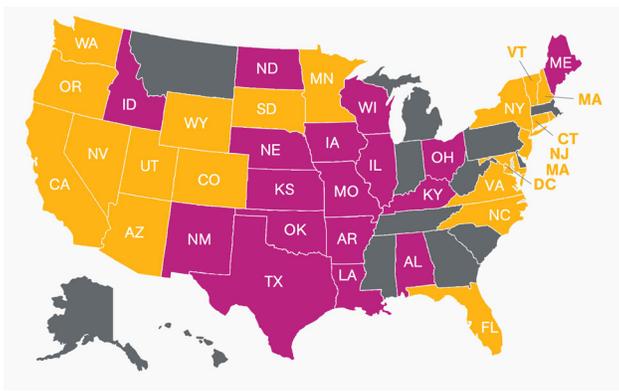


FIGURE 1. INCLUSIVE ATHLETIC POLICY LANDSCAPE
 20 states and the District of Columbia have policies that support transgender athletes in K-12 schools participating in line with their identity and without mandating medical interventions. 17 states have policies that either prohibit participation by transgender student athletes as a result of policies related to amended or inaccurate gender markers on birth certificates or have exclusionary policies for transgender girls. 13 states have no standard policy for participation by transgender student athletes.

- No standard, publicized policy that guides participation by transgender athletes
- Policy that discriminates against trans athletes
- Policy that supports participation by transgender athletes

COMMON CLAIMS ABOUT COMPETITIVE EQUITY

There are many harmful myths and misconceptions about safety, fairness, and equity about including trans athletes in single-sex competition.

Claim: “Transgender girls and women are not “real” girls or women and therefore not deserving of an equal competitive opportunity”

Reality: Transgender students of all gender identities, including transgender girls deserve to live and compete according to their gender identity.

To align one’s external gender presentation with one’s internal sense of gender identity is a deeply significant and often difficult choice that is made only after careful consideration. Female athletes, regardless of whether they are cisgender or transgender, should not be excluded from participation in athletics or any other extracurricular activities.

Claim: “Being assigned male at birth gives transgender athletes competing in women’s sports unfair advantages in athletic competition. Being assigned female at birth is correlated with being weaker and more sensitive, making transgender athletes competing on men’s teams a competitive liability.”

Reality: It’s easy to generalize, but it’s not accurate. There is no research to support the claim that allowing trans athletes to play on the team that fits their gender identity will create a competitive imbalance. Trans children display the same variation in size, strength, and athletic ability as other youth.^{iv}

Claim: “Boys or men will pretend to be transgender in order to compete in competition with girls or women.”

Reality: It isn’t happening. There have been no reported instances of a boy pretending to be transgender and presenting as a girl in their high school to fraudulently join a sports team. Well-developed policies require that students who identify as transgender demonstrate a consistent gender identity in everyday life, verified by people in the student’s life and/or health professionals.

LOCKER ROOM REALITIES: TRANSGENDER STUDENTS AND FACILITIES

- Allowing transgender students to access sex-segregated changing facilities and locker rooms with the teams they belong to and are consistent with their gender identity affirms that every student has the right to be treated with dignity.
- Barring trans youth from using the locker room that aligns with their gender identity puts them at risk. Transgender people (and specifically trans women) are at high risk of being victims of violence throughout their lives, even before adolescence.^{vi}
- Privacy is an important factor for all students in locker rooms. Facilities with privacy areas (such as restrooms with stalls or changing areas with curtains)—for all students, including transgender students—would meet student needs. Schools may also make other private changing rooms available to any student who requests additional privacy.

GETTING ON THE SAME PLAYING FIELD

Having the ability to work collaboratively with other young people in pursuit of athletic excellence has countless benefits for all young people. Transgender youth deserve access to the same opportunities as their peers. Allowing trans students to compete with teams that align with their gender identity is validating and shows that schools are invested in all their students. For more information about actions schools and teams can take to be inclusive of transgender students, check out the [“All 50” model policy](#) for trans athletic inclusion and

[GLSEN and NCTE’s model transgender student policy](#) for school districts more broadly. If you have questions or need help implementing an affirmative policy in your state or district, contact us at policy@glsen.org.

ⁱSee: Marsh, H.W. & Kleitman, S. (2003). School athletic participation: Mostly gain with little pain. *Journal of Sport and Exercise Psychology*, 25(2), 205–228. 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. Fredericks, J. A., & Eccles, J. S. (2006). Is extracurricular participation associated with beneficial outcomes? Concurrent and longitudinal relations. *Developmental Psychology*, 42(4), 698–713.

ⁱⁱGLSEN (2013). *The Experiences of LGBT Students in School Athletics* (Research Brief). New York: GLSEN.

ⁱⁱⁱSee *Whitaker v. Kenosha Unified School District, No. 16-3522* (7th Cir. 2017), *Highland v. U.S. Dep’t. of Ed., No. 16-4117* (6th Cir. 2016), G.G. ex rel. Grimm v. Gloucester Cty. Sch. Bd., ___ F.3d ___, 2016 WL 1567467 (4th Cir. Apr. 19, 2016), *Glenn v. Brumby*, 663 F.3d 1312 (11th Cir. 2011) (“The nature of the discrimination is the same; it may differ in degree but not in kind.”); also *Barnes v. City of Cincinnati*, 401 F.3d 729 (6th Cir. 2005), *Rosa v. Parks W. Bank & Trust Co.*, 214 F.3d 213 (1st Cir. 2000).

^{iv}Figure 1 was constructed utilizing information published online by state high school athletic associations. These policies are present as parts of handbooks, policy positions, or addendum to existing guidelines. This is current as of June 2019 with a list of states at www.glsen.org/statemaps. and is current as of July 2017.

^vCarroll, Helen and Pat Griffin. “On the Team: Equal Opportunity for Transgender Student Athletes” 4 Oct 2010, available at: http://media.wix.com/ugd/2bc3fc_250d5c5fe7222e08ca5feee85bae0750.pdf

^{vi}James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). *The Report of the 2015 U.S. Transgender Survey*. Washington, DC: National Center for Transgender Equality.