

# GENDER AFFIRMING AND INCLUSIVE ATHLETICS PARTICIPATION

For all students, having the opportunity to participate in sports results in positive outcomes, including physical development<sup>1</sup>, social skills<sup>2</sup>, and psychological well-being. The psychological benefits of sports specifically include improved emotional regulation<sup>3</sup>, decreased hopelessness and suicidality<sup>4</sup>, fewer depressive symptoms<sup>5</sup>, and higher self-esteem<sup>6</sup>. Research has also found that sports participation is related to greater feelings of school belonging and pro-school behaviors<sup>7</sup>. GLSEN's research has shown that on a 4.0 scale, LGBTQ+ student athletes have a GPA that is 0.2 points higher than students who did not participate in athletics. LGBTQ+ team leaders have a GPA that is 0.4 points higher than their peers who did not participate in athletics. Further, 56% of LGBTQ+ team members and 66% of LGBTQ+ team leaders competing in high school sports report feeling a positive sense of belonging at school.<sup>8</sup>

Every student should have equal opportunity in education where they can reach their full potential and thrive. Transgender, nonbinary, and gender nonconforming (trans/nonbinary/GNC) students should have the same access to athletic participation as their classmates. Unfortunately, many trans/nonbinary/GNC students face barriers to participating in sports. In a 2017 survey, only 11.5% of trans/nonbinary/GNC students reported that their school had policies or guidelines to support trans/nonbinary/GNC students<sup>9</sup>. Among trans/nonbinary/GNC students who reported their school had policies or guidelines to support trans/nonbinary/GNC students, only 42.4% reported that their school policy addressed inclusive participation in athletics<sup>10</sup>. In some instances, students had to use a locker room that was inconsistent with their gender identity and/or join gendered teams that did not reflect their gender<sup>11</sup>. These discriminatory practices prevent trans/nonbinary/GNC students from participating in K-12 learning communities as fully as their cisgender peers.

## STATE ATHLETIC ASSOCIATION GUIDANCE

State athletic association guidance varies in consideration of trans/nonbinary/GNC student athletes. Some states, such as Idaho, have passed discriminatory legislation barring gender-affirming participation of transgender student athletes, and only allow students to compete on teams based on the sex listed on an existing birth certificate. In other states with discriminatory guidance, such as Utah and South Dakota, athletic associations require undue and invasive "proof" that consists of confidential medical information that must be provided before a school allows a student to participate. Some of these standards list requirements such as documentation of surgery, hormone reports, or other sensitive medical information.

Conversely, in states with affirmative and inclusive guidance, students are given the opportunity to participate in ways that affirm their gender identity, even when that may not be consistent with a gender marker on their birth certificate or listed in school records. If their participation is questioned, some state guidance outlines procedures on how to address concerns, while maintaining the safety and privacy of the student in question. Lastly, some states, such as Alaska and Delaware, lack statewide guidance, which leaves decisions about inclusion of trans/nonbinary/GNC students to individual schools.

**STATE HIGHLIGHT: OREGON**

Oregon's state athletics association issued guidance on the inclusion of trans/nonbinary/GNC student inclusion in K-12 athletics that affirms and supports their participation. These guidelines were developed in alignment with Oregon state nondiscrimination laws in public education (ORS 174.100). The Oregon School Activities Association Handbook<sup>12</sup> policy states that students may participate in athletics that align with their gender identity, regardless of the gender marker listed on their birth certificate. The policy further clarifies and provides guidelines of participation for nonbinary students. Oregon's policy prioritizes privacy and communication with trans/nonbinary/GNC students and ensures there is clear guidance for local education agencies and schools.

**RECOMMENDATIONS FOR INCLUSIVE ATHLETICS GUIDANCE**

To ensure fairness and equality in athletic participation for all students, state athletic associations should develop guidance for local education agencies and schools that affirms and supports the right of trans/nonbinary/GNC students to participate in interscholastic and intramural sports. State athletic association guidance should include the following components that were adopted from existing guidance and resources:

- A student has the right to participate in athletics in a manner consistent with their gender identity, even if that identity differs from the sex listed on a student's registration records or birth certificate.
- Where a student athlete has a trans/nonbinary/GNC identity, [the school or association] will work in partnership with them to ensure participation and facility usage that is affirming and safe.
- Trans/nonbinary/GNC student athletes can use the locker room, shower, and restroom facilities in accordance with their gender identity, or where they feel safest. Locker rooms and shower facilities will include private enclosed changing areas for use by any student who desires such privacy.
- A trans/nonbinary/GNC student athlete student may use a common use name or gender pronouns that are inconsistent with school records or identity documents. Coaches, administrators, and officials will make every reasonable effort to honor a student's common use name and gender pronouns, and ensure that those are honored by teammates, opponents, fans, volunteers, announcers, etc.
- If there is a petition challenging a student's participation in a gender-segregated activity consistent with their gender identity, [the school or athletic association] will assemble an eligibility committee, which will include school administrators, staff members, experts in health, including transgender health and wellness, and/or gender-affirming advocates familiar with the issues affecting LGBTQ+ youth.
  - In the case of an appeal, an athletic association or eligibility committee can review, but not require documentation of a student's consistent gender identity, including written statements from the student, parent/guardian, and/or health care provider.

A student's gender identity, gender affirming health related documentation, and other highly personal information, if consensually disclosed, will be kept confidential to [the school administrators or associations] in question. Where students or teams are competing against other schools, staff, athletic directors, and/or coaches should communicate with their counterparts, without violating the student's confidentiality. Athletic staff and/or coaches should clearly communicate with the student athlete in question, and seek their feedback about what information can be presented in communication with other schools/teams. These discussions can include expectations for treatment including the use of locker/shower facilities, names, pronouns, etc.

### ADDITIONAL RESOURCES

- TransAthlete: [www.transathlete.com](http://www.transathlete.com)
- Athlete Ally: [www.athleteally.org](http://www.athleteally.org)

<sup>1</sup> Biddle, S. J. H., & Asare, M. (2011). Physical activity and mental health in children and adolescents: A review of reviews. *British Journal of Sports Medicine*, 45(11), 886-895; Snyder, A., Martinez, J., Bay, R., Parsons, J., Sauers, E., & McLeod, T. (2010). Health-related quality of life differs between adolescent athletes and adolescents nonathletes. *Journal of Sport Rehabilitation*, 19, 237-248.

<sup>2</sup> Bailey, R. (2006). Physical education and sport in schools: A Review of benefits and outcomes. *Journal of School Health*, 76(8), 397-401; Eime, R. M., Young, J. A., Harvey, J. T., Charity, M. J., & Payne, W. R. (2013). A systematic review of the psychological and social benefits of participation in sport for children and adolescents: Informing development of a conceptual model of health through sport. *International Journal of Behavioral Nutrition and Physical Activity*, 10(98).

<sup>3</sup> Eime, R. M., et al (2013); Hansen, D. M., Larson, R. W., & Dworkin, J. B. (2003). What adolescents learn in organized youth activities: A survey of self-reported developmental experiences. *Journal of Research on Adolescence*, 13(1), 25-55.

<sup>4</sup> Taliaferro, L. A., Rienzo, B. A., Pigg, R. M., Miller, M. D., & Dodd, V. J. (2009). Associations between physical activity and reduced rates of hopelessness, depression, and suicidal behavior among college students. *Journal of American College Health*, 57(4), 427-436; Taliaferro, L. A., Eisenberg, M. E., Johnson, K. E., Nelson, T. F., Neumark-Sztainer, D. (2011). Sport participation during adolescence and suicide ideation and attempts. *International Journal of Adolescent Medicine and Health*, 23 (1), 3-10.

<sup>5</sup> Boone, E., & Leadbeater, B. (2006). Game on: Diminishing risks for depressive symptoms in early adolescence through positive involvement in team sports. *Journal of Research on Adolescence*, 16(1), 79-90; Eime, R. M., et al (2013).

<sup>6</sup> Adachi, P. J. C., & Willoughby, T. (2014). It's not how much you play, but how much you enjoy the game: The longitudinal associations between adolescents' self-esteem and the frequency versus enjoyment of involvement in sports. *Journal of Youth and Adolescence*, 43(1), 137-145; Bailey, R. (2006); Eime, R. M., et al (2013); Slutzky, C. B., & Simpkins, S. D. (2009). The link between children's sport participation and self-esteem: Exploring the mediating role of sport self-concept. *Psychology of Sport and Exercise*, 10(3), 381-389.

<sup>7</sup> Bailey, R. (2006); Eime, R. M., et al (2013).

<sup>8</sup> MAP, GLSEN, NCTE, and NEA (2017). Transgender Youth in America's Schools. Available at [https://www.glsen.org/sites/default/files/2019-11/Separation\\_and\\_Stigma\\_2017.pdf](https://www.glsen.org/sites/default/files/2019-11/Separation_and_Stigma_2017.pdf)

<sup>9</sup> Kosciw, J. G., Greytak, E. A., Zongrone, A. D., Clark, C. M., & Truong, N. L. (2018). "The 2017 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation's schools." (New York: GLSEN). Available at <https://www.glsen.org/research/school-climate-survey>

<sup>10</sup> MAP, GLSEN, NCTE, and NEA (2017). Transgender Youth in America's Schools. Available at [https://www.glsen.org/sites/default/files/2019-11/Separation\\_and\\_Stigma\\_2017.pdf](https://www.glsen.org/sites/default/files/2019-11/Separation_and_Stigma_2017.pdf)

<sup>11</sup> Ibid.

<sup>12</sup> Oregon School Activities Association. 2018-2019 Handbook. Available at: <http://www.osaa.org/governance/handbooks/osaa>