

SB 381 Fairness in Girls' Sports Act Written Testi

Uploaded by: Amy Waychoff

Position: FAV

SB 381
Senate Education, Energy and the Environment Committee
Support
Amy Waychoff
Montgomery County, LD 18
February 7, 2024

My name is Amy Waychoff and I have lived in Montgomery County for over 36 years. Thank you for this opportunity to testify in support of SB 381, the Fairness in Girls' Sports Act.

As a competitor in volleyball, softball and tennis when I was a teenager, I have fond memories about how those activities improved my self esteem, and in particular, my body image. Being with a group of other teens of the same sex all working toward a common goal was empowering.

Today, we have decided that Title IX is not meant to empower women, but to empower men with gender dysphoria who believe they are entitled to play girls' and women's sports. This movement is taking Title IX and twisting it like a pretzel into something unrecognizable.

Last year, a top NCAA female swimmer from the University of Kentucky spoke out about her experiences competing against transgender athlete Lia Thomas. According to Riley Gaines, the most traumatic part of the competition was not in the swimming pool, but in the locker room: "We did not give our consent, they did not ask for our consent, but in that locker room we turned around and there's a 6'4" biological man dropping his pants and watching us undress. . . . [A year or two ago] this would have been considered some form of sexual assault [or] voyeurism."

Last week, I testified before the Ways and Means Committee in support of the House version of the bill, HB 47. During that hearing, one of the delegates made disparaging and condescending remarks towards a friend of mine. He accused her of not having

enough expertise on the bill's subject matter in order to testify. It was her first time testifying, and I believe he picked on her because he could tell she was new at this. His behavior was an affront to the right of citizens to have their voices heard by our *elected* officials. This same delegate spoke the next day during the committee's deliberations on the bill. He outright lied about what we had said in support of this straightforward, commonsense bill. What a disappointment for someone elected to represent ***all*** of his constituents.

Women deserve to have their dressing rooms, and the opportunities for sports scholarships, reserved for their own sex. I therefore strongly support the Fairness in Girls' Sports Act.

Thank you for this opportunity to testify.

SB 381 Fairness in Girls' Sports Act.pdf

Uploaded by: Brigitta MULLICAN

Position: FAV

Brigitta Mullican
1947 Lewis Ave.
Rockville, MD 20851

February 6, 2024
LD-17 (Montgomery County)

Dear Education, Energy, and the Environment Committee

SUPPORT SB 381 “Fairness in Girls’ Sports Act.”

This Bill would not allow a biological male who identifies as female to play on a girls' team. There are overwhelming physiological and performance advantages for males over females in athletic competition. Why would the Ways and Means Committee vote unfavorable on this bill? The goal of the SB381 is to keep girls safe to compete with girls only. I define girls as “biological females.”

On February 2, I was disappointed how Delegate Fair questioned one witness who was there for her first experience of testifying in Annapolis. It was also obvious how questions asked of the panel against this bill had a witness be prepared with the answers. This was orchestrated ahead of time.

Studies comparing the performance levels of elite women athletes to men and boys’ performance show an insurmountable gap between them. Fairness in the opportunity to compete, and safety on a level playing field where girls compete against girls is what **equality** demands. It is not discrimination when we believe girls should not have to compete against boys.

Please support this important legislation to preserve the opportunities for girls who compete in organized sports in high school in a fair manner and earn athletic awards and scholarships. Male's physiological and performance advantages over females include cardiovascular endurance, muscular strength, and speed/agility. It is not fair competition for biological females to have to compete against biological males, regardless of their sexual identity preference or declaration.

There should be separate sports/teams for Girls, boys, and coeducational or mixed categories. There needs to be protection from being silenced or retaliated against for reporting violations of these provisions.

I strongly urge the committee to support Senate Bill 381, “Fairness in Girls’ Sports Act.”. Please keep male and female sports separate. This is the right thing to do. Thank you.

Testimony Fairness in Girls' Sports.pdf

Uploaded by: Carol Frazier

Position: FAV

To: Members of the Senate Committee on Education, Energy and the Environment

From: Carol M. Frazier
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410-430-4456
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Date: February 6, 2024

Re: SB0381 - Fairness in Girls' Sports Act

I am writing in strong support of this legislation and requesting a favorable report out of committee.

Biological males are simply much stronger than biological females - to the point that it is incredibly dangerous for boys to compete with girls. There are numerous instances of girls being horribly injured in these competitions, such as a girl who was hit so hard by a transgender boy during a hockey game that she was knocked unconscious and suffered a concussion. And then there is the high school girl who was slammed in the face so hard by a ball spiked by a transgender boy that she also suffered a concussion. Concussions are not minor nor are they necessarily short-lived, as can be seen by the concussion protocols recently put in place in professional football.

In addition, it is appalling that young girls will be required to share intimate facilities such as bathrooms and showers with boys. It is incredibly embarrassing and humiliating. That issue alone would prohibit my husband and I from allowing our daughter to play sports. I know that, strangely, there are some parents who do not have a problem with this, but we and millions of other parents DO have a problem - are our concerns not important?

Finally, this issue totally obliterates the gains made by women in scholastic sports through the 1972 Title IX law, which obliges educational institutions to provide proportional financial assistance (i.e. scholarships); equivalent benefits and opportunities; and effective accommodation of interests and abilities. I seriously doubt that many girls will win sports scholarships while competing with transgender boys.

I have read that the swimmer, Lia Thomas, is trying to gain admittance to the women's swimming team for the Olympics. Do you seriously believe, if this were to be allowed, that any female would win the gold medal in any meet in which she is competing against Lia Thomas?

Thank you for your consideration. Testimony

2024 SB381 Girls Sports testimony.pdf

Uploaded by: Debbie Yatsuk

Position: FAV

TESTIMONY IN SUPPORT OF SB 381
FAIRNESS IN GIRLS' SPORTS ACT

February 7, 2024
Senate EEE Committee

Debbie Yatsuk
District 30A, Annapolis

TODAY IS NATIONAL GIRLS & WOMEN IN SPORTS DAY! Started in 1987 in Washington, DC to celebrate the achievements of girls in sports and the continuing struggle for equality for women in sports.

I am Debbie Yatsuk from Annapolis. I am testifying as a parent of three daughters who played sports in high school, one on the collegiate level, and as a current competitive athlete. I am NOT trying to prevent anyone from playing sports, I encourage it! At issue is integrity in a specific arena of athletic competition – that of high school girls' varsity teams. I am standing up for girls, not against trans. This is not about exclusion, but to acknowledge differences. Remember, ***bodies play sports, not identities.***

High School Varsity level competition, that we are specifically addressing here, is not inclusive as it involves a huge commitment of time, a high-level of ability to make the team, and then the intensity to handle the pressure. That is why there are so many other choices for everyone to participate in sports through recreational and community groups. Many kids say, as well as trans youth, that their reasons for sports participation include connecting with friends, opportunities for fitness and the fun of participation. This especially can happen at levels of play where winning is not as important or athletic scholarships at stake.....and you won't get cut!

The Maryland Public Secondary Schools Athletic Association (MPSSAA), in their guide for participation of transgender youth in interscholastic athletics, states in:

- Principle #3 that “The integrity of women’s sports should be preserved.”
- Principle #5 that “Policies governing the participation in sports should be FAIR in light of the tremendous variation among individuals in strength, size, musculature and ability.”

Forcing female athletes to compete against males is unfair. Sex is a legal basis and the women's movement began for a reason. 25 other states have adopted laws protecting women's opportunities in sports. Though trans-men are not impacting men's teams, trans-women are taking spots and awards from females who have worked long and hard to reach their abilities and goals. Therefore, it is time to develop a new approach as our population changes.

For example, **CO-ED sports teams** accommodate mixed genders with rules and equipment altered to take into account sex differences. USROWING has implemented an **OPEN GENDER** category that creates a space for those athletes who are non-binary, gender diverse, bi-gender or intersex and choose not to race in the category of the sex assigned at birth.

A study by the Women's Sports Federation shows that 16-17 year old girls are the most likely to quit sports due to lack of support, fear of failure, lack of confidence and school pressure. 1 in 20 participated in sports before Title IX, now 1 in 5 do. If they also have to deal with playing against biological boys who have an advantage or take their spot, and being told to accept it, that further disregards their dreams and pushes girls down again.

Whether you have daughters or not, whether you have competed at the varsity level or not, I respectfully ask that this bill be allowed to proceed to subcommittee where information can be looked at and discussed. High school girls, parents, coaches, and administrators, who want fairness for every student, at least deserve that.

Thank you very much.

HB 0047 Fairness in Girls Sports Act (1).pdf

Uploaded by: debra tribble

Position: FAV

HB 0047 Fairness in Girls Sports Act

Debra Benet Tribble

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As a 65 year old Maryland resident I grew up when there was no organized girl sports. Besides gym class, and a few intramurals between classes that was all that was available. I have fought for girls' sports, raised a daughter in girls' sports, and have been excited to see girls thrive, receive scholarships, become coaches and participate in college sports as a result.

To have this bill pass ensures that all girls, your daughters as well, have an opportunity to succeed safely in achieving their dreams. Safety whether on the playing field or in the locker room is paramount for our daughters.

There is no place for men in girls sports. They are not girls no matter how much transitioning they say has taken place. If they can't succeed in boys sports then they need to find a different method to play sports. Too many girls have had career ending injuries due to biological men pretending to be women because they can't cut it in boys sports. Girls don't need to be subjected to these men in their locker rooms or bathrooms or any other private girls space.

Let Md be a leader for girls sports and stand up for your future voters in our state.

Debra Tribble

SB 381- Testimony - Fair Girls Sports FAV - Ella

Uploaded by: Ella Ennis

Position: FAV

February 6, 2024

Senator Brian J. Feldman, Chairman
and Members of the Education, Energy,
and the Environment Committee
Maryland Senate
Annapolis, Maryland

RE: SB 381 – Education-Interscholastic and Intramural Junior Varsity and Varsity Teams – Designation Based on Sex (Fairness in Girls’ Sports Act) - FAVORABLE

Dear Chairman Feldman and Committee Members,

I most strongly support SB 381 – Fairness in Girls’ Sports Act. It provides protections for:

- (1) Girls to be able to participate in team sports on a level playing field by only competing against other girls.
- (2) Girls’ changing and shower facilities to be limited to biological girls, thus preserving each girl’s right to human dignity, modesty and being secure in their person as provided in the 4th Amendment to the U.S. Constitution.
- (3) Schools that maintain separate interscholastic or intramural junior varsity or varsity athletic teams or sports for students of the female sex; the male sex and coeducational or mixed teams or sports.
- (4) Female students from retaliation, intimidation, or other adverse actions by a school or athletic association/organization for objecting to, or speaking out against being required to compete in organized sports against biological males identifying as female or objecting to having to share locker/dressing/showering facilities.

It is well-documented that males have significant physical advantages over females in cardiovascular endurance, muscular strength, speed/agility, and power. It has been reported from studies in the United Kingdom, Europe, Australia and in the United States that these physiological strength and power differences exist even among children in teams of 8 years old and younger. (*Gregory A. Brown, Ph.D. White Paper Concerning Male Physiological and Performance Advantages in Athletic Competition and the Effect of Testosterone Suppression on Male Athletic Advantage* (12/14/21, pages 20-23).)

This overwhelming advantage of male performance over females is documented in the International Association of Athletics Federations (IAAF) website of worldwide results for individuals and events on an annual basis. It shows in track events whether at the 100 meter or 1500 meter distance, men beat the “best woman’s performance” result 8,251 times in the 1500-meter races and up to 13,898 times in the 400 meter or 10,009 times in the 100-meter competitions. These are both elite and non-elite men and boys.

In addition, there is the concern over serious physical injuries to female athletes required to compete against biological males (regardless of their sexual identity) in high school. Two recent examples:

(1) A North Carolina female volleyball player suffered a serious concussion and injuries to her neck and head and vision problems when an opposing team male-to-female player spiked the ball at her head. She has not returned to participating in sports as she entered college.

(2) A Massachusetts high school girl received significant facial and dental injuries after being hit in the face on a shot from a male opponent.

The Maryland General Assembly Report of the Task Force to Study Sports Injuries in High School Female Athletes (December 2015) on page 63, acknowledged that “Gender differences contributing to the higher risk of injury to females include, anatomical, neuromuscular, hormonal, and developmental differences in comparison to their male counterparts.”

Physical injuries can lead to increased mental health problems for athletes, particularly female athletes. They receive an injury and can face isolation, anxiety, and depression. The attitude/expectation of the sports community is for athletes to keep a “stiff-upper-lip” and “don’t complain”. Keeping silent can be overwhelming for a teen, and without proper support and guidance, can increase the likelihood of suicide.

All students deserve to play on a safe, level playing field. Separate sports/teams for girls; boys; and mixed teams/sports provided for in SB 381 will allow schools the flexibility to accomplish that goal.

In reviewing the Fiscal and Policy Note for SB 381 I found the paragraph “Under Federal Law” to be incomplete and mis-leading. It is true that in June 2021, the U.S. Department of Education’s Office of Civil Rights released a Notice of Interpretation stating that it will enforce Title IX’s prohibition on discrimination on the basis of sex to include (1) discrimination based on sexual orientation and (2) discrimination based on gender identity.” However, on June 22, 2022 next to the Federal Register notice (printed in red) states:

“Pursuant to a Federal court order, the Department has been preliminarily “enjoined and restrained from implementing” this document against the states of Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, Tennessee, South Carolina, South Dakota, and West Virginia. See State of Tenn., et al. v. U.S. Dep’t of Educ., No. 3:21- cv-308 (E.D. Tenn.) (July 15, 2022)”

The Court decision introduction states:

INTRODUCTION 1. President Biden directed federal agencies to rewrite federal law to implement the Administration’s policy of “prevent[ing] and combat[ing] discrimination on the basis of gender identity or sexual orientation.” Exec. Order No. 13,988, 86 Fed. Reg. 7023-25 (Jan. 20, 2021). In response, the Department of Education (“Department”) and Equal Employment Opportunity Commission (“EEOC”), each flouting procedural requirements in their rush to overreach, issued “interpretations” of federal antidiscrimination law far beyond what the statutory text, regulatory requirements, judicial precedent, and the Constitution permit. 2. The Department and EEOC claim that their interpretations are required by the Supreme Court’s decision in *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020). But *Bostock* was a narrow decision. The Court held only that terminating an employee “simply for being homosexual or transgender” constitutes discrimination “because of . . . sex” under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2. *Bostock*, 140 S. Ct. at 1737-38 (quoting 42 U.S.C. § 2000e-2(a)(1)). 3. The Department interpreted a prohibition on discrimination “on the basis of sex” in Title IX of the Education Amendments Act of 1972, 20 U.S.C. § 1681(a), to encompass discrimination based on

sexual orientation or gender identity, notwithstanding that Title IX expressly permits sex separation on the basis of biological sex, see id. § 1686, and that *Bostock* expressly disclaimed any intent to interpret other federal or state laws that prohibit sex discrimination, 140 S. Ct. at 1753. 4. The Department compounded that erroneous interpretation by issuing further guidance in a “Fact Sheet” that similarly disregards Title IX’s plain text. Among other things, the guidance warns that the Department can launch an investigation if a school prevents a student from joining an athletic team or using the restroom that corresponds to the student’s gender identity, or if a student’s peers decline to use the student’s preferred pronouns. 5. The EEOC Chair unilaterally issued a “technical assistance document” declaring, among other things, that requiring transgender employees to use the shower, locker room, or restroom that corresponds to their biological sex, or to adhere to the dress code that corresponds to their biological sex, constitutes discrimination under Title VII (which the EEOC administers and enforces in part), notwithstanding that the Supreme Court expressly declined to “prejudge” those issues. Id. 6. This recent guidance from the Department and the EEOC concerns issues of enormous importance to the States, employers, educational institutions, employees, students, and other individual citizens. The guidance purports to resolve highly controversial and localized issues such as whether employers and schools may maintain sex-separated showers and locker rooms, whether schools must allow biological males to compete on female athletic teams, and whether individuals may be compelled to use another person’s preferred pronouns. But the agencies have no authority to resolve those sensitive questions, let alone to do so by executive fiat without providing any opportunity for public participation.

Opponents of SB 381 continue to play the “anti-transgender” political card to oppose any safeguards for biological girls to compete on a level playing field in a safe manner. Testosterone is a prohibited performance enhancing drug in women’s sports. Fifty years ago, almost all sports, athletic scholarships, and professional sports opportunities were male. Let’s not return to that time.

In closing, SB 381 – Fairness in Girls’ Sports in high school interscholastic and Intramural Junior Varsity Teams – Designation Based on Sex provides schools flexibility to provide opportunities for all students to participate in sports – separately – and protects female students from unfair competition and injuries.

Please give SB 381 – Fairness in Girls’ Sports a FAVORABLE Report.

Sincerely,

Ella E. Ennis
Port Republic, MD 20676
E-mail: eee437@comcast.net

Copy of Evie Edwards SB0381 Testimony 2_7_2024.pd

Uploaded by: Evie Edwards

Position: FAV

I am a wife, mother, and a registered Democrat. My family has lived in Maryland for over 40 years and both my children were born in Towson, MD.

I am a former NCAA cross country athlete and a current cyclist with world and national medals. I was an athlete at Track Worlds in Los Angeles where the first trans-identified male was awarded a women's title and world record in 2018.

Policies that allow male competitors to claim awards and recognition meant for female athletes are wrong. The majority of Maryland constituents agree that the inclusion of male bodies in female sport is unfair. As an executive member of ICONS (The Independent Council on Women's Sports), not only have I personally experienced the unfair treatment and psychological warfare of being forced to compete alongside male-bodied athletes over the last eight years, I've been privy to tearful and dejected conversations with coaches, parents, school administrators and athletes when male-bodied athletes are allowed to compete in the female category. This "inclusion" model destroys athletic communities because it is inherently unfair to everyone involved. The world has enough evidence to state, without a doubt, that biological males have an immutable advantage (the latest evidence states this in pre-pubescent years) over biological females- we know because four world governing bodies of sport (World Athletics, World Aquatics, The International Cycling Union, and World Rugby) and multiple countries (notably The United Kingdom and Alberta, Canada) have utilized the skill, education and experience of experts and professionals in all fields to conclude this fact. Additionally, 'feelings' and 'captured language (language used that is not based on biology or reality but rather on individual feelings i.e. "transgender girl" when referring to a trans-identified boy who desires to be seen as female)' of an individual cannot be considered paramount if you are not equally willing to consider the feelings and emotional distress girls experience by being told they must concede to obvious and known unfairness in their athletic pursuits.

Categories exist in sporting competitions: for sex, weight class, AND age- we don't allow athletes to identify into an age category based on feeling older or younger- sex categories are the same. The male category exists as the "Open" category- The only way sport can be fair for women is with a protected female category that excludes competitors with male advantage.

I have two athletic children. My 11 year old daughter excels in soccer, taekwondo, and cycling. I have concerns of fairness and safety and feel dismayed at the inevitable decision we'll have to make if she continues her athletic pursuits with males. Just as families of female athletes all over Maryland are now experiencing, our decisions will be rooted in concerns for her physical safety, self-esteem and mental well-being. This doesn't happen in boy's sports. It's an injustice to girls.

When women and men speak up about this unfairness, they are accused of harassment and bigotry. For the better part of a year I had to defend myself to US SafeSport investigators because two trans-identified male cyclists accused me of “sexual misconduct and sexual harassment” for wearing a Save Women’s Sports shirt in competition. Organizations that were created to protect females are being used as social weapons to silence us. Providing fair policies that pertain to all athletes, as SB0381 will do, is the only way to ensure fair and meaningful competition for females in Maryland athletics.

Let us not forget that adolescent girls are still the most vulnerable members of our society. Last year NPR published a piece where they stated 1 in 3 teen girls report having contemplated suicide compared to 1 in 5 identifying LGBTQ+ teens. How dare we, as a society, add to the burden of girls the unfair and irresponsible inclusion of males in their sports?

Some of the most famous and well-known trans-identified athletes are biological females who compete in the female category at the professional level because they know that biology determines an athlete’s success (not identity). Nikki Hiltz is the American female record holder for the mile, and though Hiltz does not identify as female, biologically Hiltz is female and competes (without performance enhancing testosterone) with females. Equally so, celebrated Canadian soccer olympian silver medalist, Quinn, is also a biological female who finds success within the female category. Trans-identified athletes who are born female, are welcomed into female sporting categories. Trans-identified athletes who are born male, should equally be welcomed into male sporting categories. There is no room for hate or intolerance, simply fairness in sport. These are the types of policies that we should emphasize because that is truly how we show our society is great.

Parents, coaches and athletes know that biological differences between males and females are so great that unless we defend the protection of a female sport category, those who do not possess that advantage will basically disappear from sport.

Bodies play sports, not identities.

HB 47 Written Testimony.pdf

Uploaded by: James Krawczyk

Position: FAV

February 6, 2024

To: Maryland Legislature

From: James P. Krawczyk, Jr.

Subject: HB 0047

I have coached girls and boys sports. It is appalling that a man can identify as a woman and play women's sports. The bottom line is they can't win in men's sports. Nothing else. Why doesn't anyone consider the rights of girls playing sports.

The MD Legislature was Democrat center/right. Now it is radical left. Maryland lost 9,000 people. With the radical left agenda there will have to be a roadblock on I95 to stop people from moving from Maryland to another state. Everyone I know that moved from Maryland said the reason is the turn to the radical left.

If transgender is an issue, why aren't there transgender sports for transgender persons to play? It is an extremely easy and common-sense answer. I don't want anyone not to play sports. Everyone who wants to play should be able to play, but girls v. girls. There is no reason why not transgender v. transgender sports.

Thank you for considering my written testimony. I appreciate your consideration.

SB 381 Fairness in Girls' sports.pdf

Uploaded by: Jean Tuttle

Position: FAV

To: The members of the Education, Energy and Environment Committee

Fr: Sandy Tuttle, resident of Montgomery County

Re: SB 381 Fairness in Girls Sports Act

Date: February 6, 2024

I am writing to ask members of the committee to support SB 381, Fairness in Girls' Sports Act. This is all about keeping girls safe in sports and nothing more. This is not about hate, or exclusion as those opposed to this commonsense legislation would have you believe.

SB 381 applies only to high school intramural junior varsity and varsity teams. It provides for three types of sports/teams: Girls', Boys' and coeducational or mixed team or sports. It provides athletic opportunities for all students.

We have seen in recent years, the injuries sustained by girls/women in sports inflicted when men or boys identifying as girls are allowed to play on the same team. One recent example, late last year, was a young woman playing field hockey who had her teeth knocked out by a male on an opposing team. This was allowed because of Massachusetts's Equal Play Act, allowing males or males who are transgender, to play on female teams. There is NOTHING 'equal' about this law or ones like it. We all know that males and females are not the same when it comes to strength and power. It is simply not a fair competition for biological females to have to compete against biological males, regardless of their sexual identity preference or declaration

Those science-deniers will result in someone getting very hurt.

As a mental health professional, I can tell you it is likely that this young lady, referenced previously, will be dealing with the trauma sustained because of this injury for a long time to come. This is just one of many examples we are hearing about, with lives changed and not for the better.

Please do the right thing by our girls and boys and support this legislation.

SB0381 Fairness in Girls Sports.pdf

Uploaded by: Jolie McShane

Position: FAV

SB0381

Favorable

Forgotten are the 1 in 7 children who have experienced sexual abuse, having males in female locker rooms triggers these innocent children (FBI). This leads to lifelong issues according to the CDC, depression, weight gain, unstable relationships and suicide. Please consider the innocent children caught up in this political nightmare.

Jolie McShane

Baltimore County Maryland

410-299-3032

SB381 2024 Testimony.pdf

Uploaded by: Kenneth Gross

Position: FAV

SB 381: Education, Energy & the Environment - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness in Girls' Sports Act)

Name: Kenneth C. Gross, PhD
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Position: SUPPORT

Women have been battling against patriarchy and striving for equal rights for decades. Now, they face a new challenge from a vocal minority that wants us to disregard fundamental biology. Fair competition in girls' athletics is threatened as males persist in competing in girls' sports. **Where are the feminists? What happened to Title IX?**

A significant majority of Americans agree that regardless of the female hormones a biological male takes they possess an unfair advantage when they compete against females. It is a denial of science and shows complete disregard for fairness to say that a boy athlete who identifies as a girl is physically the same as the girl. On average, males are larger and stronger. They have larger hearts, more dense bones and greater lung capacity.

In fact, a 2023 national poll (<https://news.gallup.com/poll/507023/say-birth-gender-dictate-sports-participation.aspx>) showed that “a larger majority of Americans now (69%) than in 2021 (62%) say transgender athletes should

only be allowed to compete on sports teams that conform with their birth gender. Likewise, fewer endorse transgender athletes being able to play on teams that match their current gender identity, 26%, down from 34%.”

A place on the team roster or the award podium doesn't spontaneously open up. Rather, some girl didn't make the team, fell lower in the rankings, or didn't get deserved recognition because of an unfair playing field.

While male athletes do not always win when competing against females, their presence has serious negative consequences for the future of girls' sports. It is time for the majority to show some courage and to put an end to the tyranny of the minority.

I urge you to give SB381 a FAVORABLE report.

Testimony Fairness In Girls' Sports Act SB381.pdf

Uploaded by: Laurie Halverson

Position: FAV

February 7, 2024

The Honorable Senator Brian Feldman, Chairman
And Members of the Energy, Education & the Environment Committee
Maryland Senate
Annapolis, Maryland

RE: **SB381** – Energy, Education & the Environment Committee – Interscholastic and Intramural Junior Varsity and Varsity Team Designation Based on Sex (Fairness in Girls' Sports Act) -- **SUPPORT**

Dear Chairman Feldman and Members of the Energy, Education & the Environment Committee,

I am representing 400 members from the Montgomery County Federation of Republican Women. We strongly support the Fairness in Girls' Sports Act. Maryland lags behind other states in creating legislation like SB381. There are 24 states that have recognized through legislation that women's sports are for women. Because of the gender identity trends and an increasing number of unfair and unsafe incidents we are seeing today, it is now necessary for Maryland to codify that women's sports are for biological females.

As representatives of your districts, it is important to know how people feel about this issue. A Gallup poll released in June, 2023 shows that 69% of Americans say that transgender athletes should only be allowed to compete on sports teams that correspond with the sex they were assigned at birth. This percentage has grown by 7% from a Gallup Poll in 2021, where 62% shared the same views. ¹

Just as you, we empathize with transgender athletes and agree that they should be able to participate in sports, so create a new category for them or allow them to compete according to their gender assigned at birth.

While you may be hearing from representatives from the LGBTQ+ community, not all LGBTQ citizens agree with the opposers of this bill:

Maria Navratilova: "Come on - women's tennis is not for failed male athletes- whatever age. This is not right and it is not fair."

Caitlyn Jenner: "That's why I oppose biological boys who are trans competing in girls' sports in school. It just isn't fair. And we have to protect girls' sports in our schools,"

It is conceivable that with current state policies, a team of all-transgender women could compete for the state title in high school women's basketball. I read the MPSSAA

¹ *Gallup Poll article:

<https://www.nbcnews.com/nbc-out/out-news/americans-oppose-inclusion-trans-athletes-sports-poll-finds-rcna88940>

Guidance for Participation of Transgender Youth in Interscholastic Athletics and this seems like the only guidance our state has on this issue, and the guidance is vague. Passing this bill would set parameters in place that protect women and ensure fair competition.

There are thousands of young women, some of whom are hoping to earn college scholarships and shatter records, who are counting on you to support their ability to compete safely and fairly.

For these reasons, we urge you file a **favorable** report.

Sincerely,

Laurie Halverson, Board Member and past President
Montgomery County Federation of Republican Women
lsh2727@verizon.net

SB 381 Girls' Sports .pdf

Uploaded by: Linda Bradley

Position: FAV

The Honorable Senator Feldman, Chair and Senator Kagan, Vice Chair, and Members of the Senate Education, Energy and Environment Committee,

RE: SB 381, Fairness in Girls' Sports Act SUPPORT

I am very concerned about the impact that biological boys have on girls' sports teams.

SB 381 is being heard in your committee on Wednesday, February 7. It will address the issue of fairness by **setting up separate sports teams or sports options for girls, boys, and coeducational or mixed categories.**

Please understand that this bill is NOT about barring transgender girls from participation!! It is about protecting biological girls from injury, and making sure that sports and related activities, such as using locker rooms, are fair for ALL students in ALL ways. This should be a bipartisan concern.

It has been shown that teen girls are more prone to common sports-related injuries, such as ankle sprains, knee injuries, and stress fractures, and more life threatening or life changing injuries such as concussions. Males have physiological and performance advantages over females, including cardiovascular endurance, muscular strength, speed, height, and stronger or larger bones. These and other physical anatomical differences influence their performance in specific sports such as swimming, volleyball, and marathon running. It is not a fair competition when teens of both genders are competing against each other.

Even in professional sports, there is a performance gap between biological males and females. For example, females' speed world records in various sports are all about 90% of males' records. (See www.GenderResourceGuide.com for links to many resources and facts. The guide is a collaboration between several organizations with very diverse political views, such as Wolf Women's Liberation Front, and the Heritage Foundation. They have one common concern - the negative consequences of treating bodily sex as irrelevant.)

Girls are losing competitions which negatively influence their chances of earning coveted sports titles, college scholarships, and gaining other opportunities. They have been subjected to boys in their locker rooms, sometimes flaunting their masculinity and at the very least embarrassing girls, and perhaps traumatizing and shaming them in deeper psychological ways.

Each of you received a brochure on January 11 entitled "Boys Competing in Girls' Sports: Is It Fair?" This brochure is well researched and contains many references to respected and legitimate articles, studies, government fact sheets, and testimonies from athletes. **In fact one of the sources noted is the Maryland General Assembly itself, when in 2015, the bipartisan Task Force to Study Sports Injuries in High School Female Athletes** stated that the gender differences can place females at higher risk of certain injuries, as noted above.

I urge you to read this brochure carefully. Many other news reports and interviews on various platforms over the past many months also have corroborated these facts, as have legitimate scientific and medical sources.

See also www.GenderResourceGuide.com, noted above. I believe we all need to be educated on the scientific facts surrounding this issue.

Please find a solution to this crucial issue by **mandating separate teams for each biological gender, and mixed teams for those students who prefer that option. It is a matter of fairness for opportunities for girls, a support for Title IX, and a protection for girls from physical and perhaps psychological injury.**

Scientific research supports such an equitable, bipartisan solution to these concerns.

PLEASE VOTE FOR A FAVORABLE REPORT FOR SB 381.

Thank you for your time and consideration of this very important issue.

Very truly yours,

Linda R. Bradley
McHenry, MD

Support SB 381.pdf

Uploaded by: Mark Meyerovich

Position: FAV

Support SB 381

Senator Brian J. Feldman, Chair
Education, Energy, and the Environment Committee

Fairness In Girls' Sports Act

Position: FAVORABLE

Dear Chair Feldman and Members of the Committee:

I urge you to pass this bill with a favorable report. I apologize in advance if you find anything in my letter offensive, I'm old school. But if you are worried about hurt feelings of transgender people, why don't you also consider the feelings and fears of thousands of girls facing the problem every day?

The United States has made great strides in promoting women's sports since Title IX revolutionized our country over 50 years ago. Ignoring this issue sets us back for women's rights for almost half a century. Sports are competitive, and like any competition they should be played on a fair and level playing field.

Yes, in ping pong or chess men may not have substantial physical advantage, so the playing field may be more level. However, the average male is bigger, faster, and stronger than the average female. And in the majority of sports it often becomes an advantage. Thus, it is not surprising that biological males who have access to a competitive women's sport are able to beat women's world records. It is also not surprising that we don't hear about biological females trying to join or succeeding in men's sports.

There are divisions, age brackets, and weight classes for a reason. Every league has very strict rules about participation. Childrens teams are separated strictly by the specific age of players, and **no higher age participant can join a lower age team**. A violation of that rule disqualifies the team. Perhaps we don't need to be so strict with the age brackets? Individuals can feel older or younger than their peers. Why not allow them to join a team, which age they feel most fitting?

My children participated in competitive volleyball during their school years. They played in local and national tournaments. Until puberty boys and girls of the same age compete on the same level. But with the onset of puberty boys gain an undisputed and obvious physical advantage. Try to watch and compare mens and womens volleyball. Even the height of the net is different. Coed teams play with lower height net, but men are not allowed to jump hit from the front row, and there are other limitations.

Over many years rules were developed in an attempt to create fair playing conditions. But now coaches are not only allowed but even encouraged to gain unfair advantage by bringing biological males on the team. What coach doesn't like winning? And so you see reports showing "girls" teams playing all their trans players on the field the entire match, while the rest of the girls cheering from the bench. At least in team sports, the entire team gets medals. But what about individual competitions?

It is hard to imagine the desperation of girls who spent countless days and nights trying to achieve top athletic awards, but at the end lose the top prizes to men of average ability wearing braids. Of course, the awards themselves are not so important - it is great to alleviate suffering and raise self-esteem of trans athletes. But girls made sacrifices and put their best effort in hopes of achieving sporting careers, obtaining scholarships, and for better chances in life. Didn't this esteemed legislature try to give women equal chances with men just a few short years ago?

Female athletes have fought too long and too hard for equal athletic opportunity to lose their protections. Males who suppress testosterone and use feminizing hormones do not mitigate male biological advantage. It's been shown time and again in a variety of sports and competition levels, men of average ability can out-compete top women's athletes. And the locker room situations are just priming for some awful crime to happen. That is why women's sports should be for women and girls.

Sincerely,
Mark Meyerovich
Gaithersburg, MD
District 15

SB0381 Witness Testimony 2024.pdf

Uploaded by: Patricia Fallon

Position: FAV



To: Senate Energy Education and Environment Committee

Subject: SB0381

Date: February 6, 2024

Dear Senators,

SB0381 – Fairness in Girls’ Sports Act

The Baltimore County Republican Party completely **SUPPORTS** SB0381 Fairness in Girls Sports Act for interscholastic, intramural, Junior Varsity and Varsity Teams.

The male biological sex has XY chromosomes and are generally larger and stronger in stature than the female biological sex with XX chromosomes. This creates a physical superiority of XY males over the XX females in the sports arena where strength and stature are key components of play and outcome of sporting events. This gives the (XY) male natural dominance in sporting events over the girls during competition.

A person can change their appearance, identify as another sex, change their physical body through surgery, but they **CANNOT** change their chromosome makeup. An XY (male) person will always be XY and have the physical superior strength and stature of an XY person. An XY person cannot make themselves an XX person no matter what changes they make to their body.

The same can be said of a (female) XX person. No matter what changes they make to their body, an XX female **CANNOT** be an XY male and will **NOT** have the physical stature of an XY male.

This physical inequality of the biological male and female sexes cannot be changed and therefore should **NOT** be forced into the girls’ sports arena. This does **NOT** create equality of the sexes, but rather creates inequality and dominance over girls in the sports arena robbing them of the opportunities to play and win at sports events.

In addition, male and female competition raises the chance of injury to the females by the stronger males in the sports arena.

Biological females (XX) should be able to have female sporting leagues where they can compete fairly against other females and not worry about being dominated by an XY biological male.

PLEASE SAVE GIRLS SPORTS!!

Thank you,

Patricia Fallon
Chair, Baltimore County Republican Central Committee
14823 Hanover Pike
Upperco, MD 21155
Baltimore County



Patricia Fallon
Baltimore County Republican Central Committee
Chairman
410-429-6005
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email: hanoverpri@comcast.net



Rachel Ullmann's Testimony for SB381.pdf

Uploaded by: Rachel Ullmann

Position: FAV

Committee: Senate Education, Energy, and the Environment Committee
Bill: SB381 - Education - Interscholastic and Intramural Junior Varsity and Varsity Teams -
Designation Based on Sex (Fairness in Girls' Sports Act)
Position: **FAVORABLE**

Dear Senator Feldman and fellow members of the Committee,

Competitive sports have been binary for a reason. Allowing biological men to compete against biological women is simply cruel and discriminatory. Competitive sports are based on Sex, not Gender Identity.

The United States has made great strides in promoting women's sports since Title IX revolutionized our country over 50 years ago. Ignoring this would set us back from women's rights for almost half a century. We would be discouraging females from participating in sports because of having to compete against biological men and strip them of their pride.

Female athletes have fought too long and too hard for equal athletic opportunity to let that happen. The average male is bigger, faster, and stronger than the average female. In fact, males who suppress testosterone and use feminizing hormones do not mitigate male biological advantage.

Our state's out-of-date policies limiting discussion and silencing dissent need review and revision. Policies with regard to participation in sports are easy to create; there should be no special allowances or rules for gender identity. Bodies play sports, not identities. It takes only one trans-identified male to displace the trajectory of every female athlete in the sport. We know this from the hundreds of female titles, awards, medals, and podium spots lost throughout the world in nearly every sport. As a society, we can celebrate the differences of individuals but hold bodies accountable in sports. The future of every female athlete counts on it.

These scenarios are happening here in Maryland. This year, a neighbor's daughter competed in a Maryland volleyball game against a team with a biological boy. The trans-identified male was over 6 feet tall and had an obvious advantage of spiking the ball over the girls-sized net. Needless to say, his team won every match and the entire tournament. Speaking with my neighbor's daughter, she was disappointed and ultimately unsure if she had a future in the sport here in Maryland because of these unfair situations.

Privacy issues are also of concern, as females are forced to share locker rooms and changing facilities with trans-identified males who typically have intact male genitalia. I certainly do not want my daughter forced into a situation where her privacy and feelings are subjugated to that of a trans-identified male.

23 states across the country have already passed similar legislation. Please vote favorable on SB381 for the sake of young female athletes in Maryland.

Respectfully submitted by Rachel Ullmann of District 7A in Kingsville, Maryland.

Rain's Testimony for SB 381.pdf

Uploaded by: Rain Ritchey

Position: FAV

Hello Mr. Chairman, Madam Vice Chair and Members of the Committee. My name is Rain Ritchey and I am fourteen years old. I am writing to you all in strong support for Senate Bill 381 Fairness in Girl Sports Act. I'm a student athlete that goes to Northern Middle School in Garrett County. I'm an athlete that just wants everyone to have a voice but in the right way. I feel like girls in the past have struggled to achieve equality in sports. Having separate teams for girls was a milestone in history. It has allowed us to have recruitment and scholarship opportunities. These opportunities are put in harm's way when females are competing against biological boys. It's not fair to girls that have worked hard to become the best athlete they can be and it to be taken away. This would set girls sports back years when we have worked so hard for this opportunity for young girls everywhere. Not only is it setting girls' sports back years, it also creates an unsafe environment where girls don't feel like they can play the sports they have loved their entire life. Genetically boys are stronger and faster than girls. Boys also are less likely to experience more serious injuries such as fractures, concussions while girls are at higher risk of injuries. With these advantages boys have it puts young girls at more of a risk to potentially experience one of these many injuries. There have been many incidents where girls have been subjected to uncomfortable locker room sharing which has also led in some cases criminal behavior. All you hear about is equality for everyone but how is putting biological boys in girls sports equal for us? I can understand how hard it is to find a place where you fit in, but forcing girls to give up their place to accommodate transgender athletes is just another example of why girls are still considered a minority.

Protect fair competition.pdf

Uploaded by: Rebecca Kasbeer-Betty

Position: FAV

Dear Elected Officials,

As a parent of athletes and a former high school athlete, I am extremely disturbed by the lack of protection for biological females in sports. I played as one of the only girls on many boys' teams since I was four years old – soccer, flag football, baseball, basketball. In high school I played varsity soccer, basketball, cross country and tennis; I attended four high schools due to unfortunate timing of military moves.

My favorite sport was soccer except for my sophomore season where my school did not have a girls' team. Another girl and I tried out for and made the boys' varsity soccer team. That season was the longest, most frustrating season I ever played. This season was so mentally exhausting that the next time I was in this situation (my senior year of high school) I chose not to try out because that high school only had a boys' team.

Every practice, every game and every soccer conversation held the pressure of a try out. Often, the other girl and I were the target of a foul outside the referee's line of sight, inappropriate contact at games, and the choruses of '*go home little girl*' comments from players and parents. After earning our spots on the team, our teammates felt obligated to defend us. It was not fair to the other girl and me to be in the spotlight nor was it fair for our teammates to defend a cause outside of healthy play of the game.

The foundation of athletic competition is sportsmanship which means nothing without upholding the fairness of competition. We are girls who wanted to play varsity girls' soccer and because there was not a girls' team, we were afforded the opportunity to try out for the next higher level of competition. We did not seek out a lesser competitive team; it would have been unsportsmanlike. In order for competition to be fair or meaningful no one can have a more significant advantage or disadvantage to someone else.

We could not acknowledge it at the time; the facts remained, although the other female player and I had very high soccer IQs, we were less muscular, did not kick as hard and were not as fast but our bruises certainly were bigger. Gregory

Brown, Ph.D. stated in his white paper, entitled “Concerning Male Physiological and Performance Advantages in Athletic Competition”,

Similarly gifted and trained males have physical advantages over females—from greater height and weight and larger, longer, and stronger bones to larger muscles and higher rates of metabolizing and releasing energy. These innate physiological traits result in greater muscle strength; stronger throwing, hitting, and kicking; higher jumping; and faster running speeds for males, all of which create an athletic edge over females.

We had the determination and hearts of competitive equals but we had to pretend we were the same and keep our guard up because if we let them know how much we hurt or acknowledged our differences then we sacrificed what little headway we made at appearing their physical equals. Trans individuals may have the competitive hearts and determination of biological women; however, their physical differences give them an unfair advantage and deny a spot on the team from biological women. Those spots on the team that could mean a chance at being seen at state competition, position on the podium, a spot on the all-county team, or even visibility for a scholarship.

We fought every tryout, practice, game and sports conversation for our right to play. Thankfully, there are women’s sports for our girls because we as a society recognized that biologically and physically men and women are different. Title IX regulations require schools to provide *equal opportunity* based on sex. The Oxford Languages Dictionary defines sex as “either of the two main categories (male and female) into which humans and most other living things are divided on the basis of their reproductive functions.” The spirit and definition of Title IX is about affording women the equal opportunity to play and be seen in a fair competition. When people who were born male are given the green light to take positions on biological female teams, fewer biological females are able to compete; therefore, this is not in keeping with the Title IX premise of equal opportunity.

Being in the other locker room was isolating for us. These were 2-locker room schools and on game days we used the women’s restroom as the other

locker room was for the opponents. To be very clear, at absolutely no time did we ever feel that we should have been in the same locker room as the boys. Our anatomies are different, the physical changes going on in our bodies were/are fundamentally different. That season with the varsity boys' team helps me empathize with the feeling of isolation biological males who are trans may feel about their identities on boys' teams; however, playing on the girls' team is not the solution.

Do not be disillusioned; actual biology is the fairest, safest, most mentally enriching and most equitable differentiation in sports. Please create additional categories outside of boys and girls so that trans children have their own fair opportunities to meaningfully compete in sports. They deserve a right to honorable competition with equally advantaged, trans individuals. Allowing non-biological females to compete in girls' sports is unhealthy mentally, is unethical, and pretends to give balanced competition. Please do not sacrifice that which so many generations of women worked so hard to achieve: the level playing ground of girls' teams for our biological girls.

Please do two things. First, vote in favor of SB0381. And second to preserve fairness of competition and opportunities seek to add Interscholastic and Intramural Junior Varsity and Varsity Teams for Trans Athletes.

Sincerely,

Rebecca Kasbeer-Betty

Exerts from Sportsmanship sources:

Good sportsmanship is about making sure the game is fair and the outcome just and meaningful.

<https://www.wenzelcoaching.com/blog/good-sportsmanship-and-the-meaning-of-competition-why-following-the-rules-matters/>

In athletics, where the overriding goal is 'honorable victory', sportsmanship requires 'fairness'. The type of fairness in question is formal fairness – 'equality before the law' (Keating, 1965, 34). An equal and impartial application of the rules, as dictated by formal fairness, purportedly helps to ensure that competition fulfills its purpose as a test of athletic excellence and that victory correctly tracks athletic superiority (Keating, 1965, 34).

<https://plato.stanford.edu/entries/sport/#TopiPhilSpor>

Tips for Showing Good Sportsmanship

2. **Play fair.** Cheating at a game is poor sportsmanship. Fair play means having a level playing field. Every athlete or competitor has an equal opportunity to win, and no one has a more significant advantage or disadvantage over someone else. If you want to win at a game, everyone must start with the same conditions as the opposing team or player, and follow the rules of the game. Deviating outside of these guidelines may cause others to see you as a poor sport (including your team members), and no one will want to play with you in the next game.

<https://www.masterclass.com/articles/how-to-show-good-sportsmanship>

SB 381 - Carozza Testimony_FINAL.pdf

Uploaded by: Senator Mary Beth Carozza

Position: FAV

MARY BETH CAROZZA
Legislative District 38
Somerset, Wicomico,
and Worcester Counties

Education, Energy, and
the Environment Committee

Executive Nominations Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 7, 2024

The Senate Education, Energy, and Environment Committee
SB 381 – Education – Interscholastic and Intramural Junior Varsity and
Varsity Teams – Designation Based on Sex (Fairness in Girls’ Sports Act)
Statement of Support by Bill Sponsor Senator Mary Beth Carozza

Thank you Chair Feldman, Vice Chair Kagan, and my distinguished colleagues on the Senate Education, Energy, and Environment Committee for this opportunity to present Senate Bill 381, the Fairness in Girls’ Sports Act. I want to thank Chair Feldman and his staff for all their efforts to make this an informative, productive hearing.

SB 381 would simply ensure a level playing field for girls’ sports where biological girls only (born female) compete against biological girls (born female), and the bill applies only to high school interscholastic and intramural junior varsity and varsity teams. I wholeheartedly believe this legislation is needed so female student athletes in Maryland can compete and earn scholarships, medals, and records on a fair field of play.

This bill protects the hard-earned opportunities for girls to compete in organized high school sports fairly, and to earn athletic awards and scholarships, just as I did as a student athlete. I played varsity high school tennis for four years at Stephen Decatur High School in the number one girls’ single position for four years.

By holding that position at the high school level, I then had opportunities to compete in regional and state tournaments that put me in the strongest position to be considered for a college athletic scholarship. As a result, I was offered and accepted a tennis scholarship to play for The Catholic University of America, a scholarship that was a lifeline for helping my family to pay for the cost of my college, where I played in the number three girls’ single position and number one girls’ doubles position for all four years.

Had one of the boys from the boys’ tennis team at my high school decided to play for my girls’ high school tennis team, I would have been displaced from the number one position on the girls’ tennis team and would have been denied opportunities to compete in state and regional tournaments, which are competitions that colleges follow when they are interested in recruiting student athletes and offering scholarships.

Simply put, being displaced from my number one girls’ tennis singles position would have denied my opportunity to earn a college tennis scholarship, after spending years of practice,

hours on end in the summer playing on the hard courts, running for miles, doing wind sprints, and competing in local, state, and regional tournaments.

My story and the story of thousands of Maryland women who played competitive sports in high school and earned a college athletic scholarship underscore the need for this legislation.

Women fought too long and too hard to earn equal athletic opportunities. In the early 20th century, women began fighting for their own spaces in sports, and through tremendous effort and hard-won accomplishments, we were able to enact Title IX on June 23, 1972, which was designed to eliminate discrimination against girls and women in education and athletics.

Before Title IX, only 294,000 girls played high school sports compared to 3.7 million boys. In 2019, 3.4 million girls participated in high school sports compared to 4.5 million boys. We have made immense progress, and we should not undermine that progress by allowing boys to take away the opportunities of girls by playing on girls' high school teams.

We have always acknowledged that there are differences between boys and girls. Boys have enjoyed the many benefits that come with participating in sports, from leadership, confidence, cooperation, conflict resolution and so much more. We cannot deny these benefits to girls, especially when girls who participate in sports are also less likely to get breast cancer, suffer depression, remain in a violent relationship, do drugs, get pregnant, and are more likely to graduate than girls who do not play sports.

In 2020, we celebrated the 100th Anniversary of the ratification of the 19th Amendment, voting rights for women. Here we are today considering legislation to ensure that women have a fair playing field in sports. We should be allowed to preserve our history, keep our opportunities in girls' sports, and enjoy the many benefits that come from participating in sports.

I truly am grateful for this opportunity to present SB 381, and look forward to working with you in the future on ensuring that we keep fairness in girls' sports.

SB381 Girls sports.pdf

Uploaded by: SHARON CARRICK

Position: FAV

My name is Sharon Carrick, President of the Maryland Federation of Republican Women. On behalf of our 1,220 members statewide, I am asking that you vote a **FAVORABLE** report for **SB0381**.

Those testifying on 1/31/24 in opposition to the companion bill, HB0047, showed total disregard for the research and science-based findings of respected educational, medical and government entities, including the **Maryland General Assembly's Task Force to Study Sports Injuries in High School Female Athletes** (2015), which stated on page 63 that:

Gender differences between the female and male athletes can place the female at higher risk of certain injuries when competing in high school athletics.

Differences include anatomical, neuromuscular, hormonal, and developmental differences in comparison to their male counterparts.

Those on the other side of this issue called us evil, hateful and transphobic (from the Greek "phobos" meaning "fear"). We don't fear trans individuals. **What we fear is high school girls suffering life-altering knee, neck and head injuries.**

Our members personally delivered our "*Boys Competing in Girls' Sports, Is It Fair?*" brochure to every legislator on January 11th. It contains excerpts (and a link to the source document) from **more recent research** with similar science-based determinations about the dangers of boys participating in girls' sports.

- Yale New Haven Health
 - *Teen girls are more prone than boys to some of the most common sports-related injuries. These differences are credited to body function, hormones and bone density.*
- National Library of Medicine
 - *Higher rates of concussions are observed in female athletes despite competition rules designed to reduce the level of contact between players.*
- Journal of Functional Morphology and Kinesiology
 - *Women athletes are known to be less strong and powerful than equally trained men.*
- Duke Law School
 - *There is an average 10-12% performance gap between elite males and females. Though the gap is smaller between elite females and non-elite males, it is still insurmountable.*

Let us not fail future generations of high school girls who are relying on us to preserve for them a safe and level playing field.

Boys competing in girls' sports – IS IT SAFE? IS IT FAIR?

Title IX obligations with respect to athletic programs and activities:

- **Proportional financial assistance (i.e., scholarships)**
- **Equivalent benefits and opportunities**
- **Effective accommodation of interest and abilities**

SOURCE: Congressional Research Service, *Title IX and Athletics: Legal Basics* (2/09/23)

<https://crsreports.congress.gov/product/pdf/IF/IF12325#:~:text=Title%20IX%20regulations%20require%20recipients,and%20tutoring%2C%20including%20compensation%20thereof>

While directed toward intercollegiate athletics, the general principles and standards in the Policy Interpretation often apply to interscholastic athletics programs at the elementary and secondary levels, as well as to club and intramural programs.

While Title IX prohibits sex discrimination in recipient schools' athletics programs, this does not mean all sex-based distinctions are banned. According to Title IX regulations, schools may offer separate athletics teams for each sex where selection is based on competitive skill or the activity is a contact sport.

There is an average 10-12% performance gap between elite males and elite females. The gap is smaller between elite females and non-elite males, but it's still insurmountable.

SOURCE: Duke Law School, *Comparing Athletic Performances: The Best Elite Women to Boys and Men*

<https://law.duke.edu/sports/sex-sport/comparative-athletic-performance/>

- In 2017, Olympic, World, and U.S. Champion Tori Bowie's 100 meters lifetime best of 10.78 was beaten 15,000 times by men and boys.
- In 2017, men and boys around the world outperformed Olympic, World, and U.S. Champion Allyson Felix's 400 meters lifetime best of 49.26 more than 15,000 times.

“The results make clear that sex determines win share. Female athletes – here defined as athletes with ovaries instead of testes and testosterone (T) levels capable of being produced by the female, non-androgenized body – are not competitive for the win against males—here defined as athletes with testes and T levels in the male range. The lowest end of the male range is three times higher than the highest end of the female

Boys competing in girls' sports – IS IT SAFE? IS IT FAIR?

range. Consistent with females' far lower T levels, the female range is also very narrow, while the male range is broad."

Data below was drawn from the International Association of Athletics Federations (IAAF) website which provides complete, worldwide results for individuals and events, including on an annual and an all-time basis. The analysis was limited to those events where a direct performance comparison could be made. Not only did hundreds and thousands of males outperform the best results of the elite females, they did so thousands and tens of thousands of times.

Event	Best Women's Result	Best Boys' Result	Best Men's Result	# of Boys Outperforming	# of Men Outperforming	Instances of Men Outperforming
100 Meters	10.71	10.15	9.69	124+	2,474	10,009
200 Meters	21.77	20.51	19.77	182	2,920	8,993
400 Meters	49.46	45.38	43.62	285	4,341	13,898
800 Meters	1:55.16	1:46.3	1:43.10	201+	3,992	12,285
1500 Meters	3:56.14	3:37.43	3:28.80	101+	3,216	8,251
3000 Meters	8:23.14	7:38.90	7:28.73	30	1,307	1,784
5000 Meters	14:18.37	12:55.58	12:55.23	15	1,243	2,140
High Jump	2.06 meters	2.25 meters	2.40 meters	28	777	2,741
Pole Vault	4.91 meters	5.31 meters	6.00 meters	10	684	2,981
Long Jump	7.13 meters	7.88 meters	8.65 meters	74	1,652	4,801
Triple Jump	14.96 meters	17.30 meters	18.11 meters	47	969	3,440

Women athletes are known to be less strong and powerful than equally trained men. Muscle strength of women is typically reported in the range of 40 to 75% that of men. Women are also known to be less powerful than equally trained men.

SOURCE: Journal of Functional Morphology and Kinesiology, *A Comparison between Male and Female Athletes in Relative Strength and Power Performances* (2/09/21)

<https://www.mdpi.com/2411-5142/6/1/17>

The aim of this study was to compare male vs. female athletes in strength and power performance relative to body mass and lean body mass and to investigate the relationships between muscle architecture and strength in both genders.

The difference in absolute strength between genders appears more evident in the upper body compared to the lower body. The main factors accounting for gender differences in maximal strength have been identified as the muscle mass. Maximal strength and power are influenced by many neuromuscular factors including muscle morphological characteristics such as muscle thickness, pennation angle, and fascicle length.

Boys competing in girls' sports – IS IT SAFE? IS IT FAIR?

Significant differences were found in strength and power relative to body mass, lean body mass, and muscle thickness between male and female strength and power athletes.

- Women had lower maximal strength values when compared to men at bench press (-59.2%), squat (-57.2%), deadlift (-56.3%), and mid-shin pull (-53.2%). Lower levels of power were detected in females in both the upper (-61.2%) and the lower body (-44.2%).
- No differences between sexes were found in lower body maximal strength and power adjusted for lean body mass.
- Higher maximal strength and power adjusted for lean body mass were detected in the upper body.
- Muscle thickness in male individuals were characterized by significantly higher values compared to females. Muscle fascicle length was significantly longer in males compared to females. It has been suggested that they play an important role in determining the maximum contraction velocity of the muscle and the range of active force production.

The Maryland General Assembly's 2015 report of the Task Force to Study Sports Injuries in High School Female Athletes stated that "differences between the female and male athletes can place the female at higher risk of certain injuries when competing in high school athletics".

SOURCE: Maryland General Assembly, *Report of the Task Force to Study Sports Injuries in High School Female Athletes* (Dec 2015)

<https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/021000/021772/unrestricted/20160016e.pdf>

The Task Force to Study Sports Injuries in High School Female Athletes was established during the 2014 Maryland General Assembly session (House Bill 1332).

Page 63

Gender differences between the female and male athletes can place the female at higher risk of certain injuries when competing in high school athletics.

Differences include anatomical, neuromuscular, hormonal, and developmental differences in comparison to their male counterparts.

Boys competing in girls' sports – IS IT SAFE? IS IT FAIR?

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Disorders of relative energy deficiency (e.g. female athlete triad) are disproportionately seen in adolescent girls and emerging adult women. The irregular menstrual cycles, reduced bone density, and the disordered eating observed in affected female athletes are symptoms to be recognized given the association with observed adverse health outcomes (e.g. stress fractures). There is data that suggests that the general wellness and nutritional environments through which female athletes develop may influence athletic performance, risk for injury, and return to play after an injury.

Proposed rulemaking on athletic eligibility under Title IX would establish that policies violate Title IX when they categorically ban transgender students from participating on sports teams consistent with their gender identity just because of who they are.

The Department of Education received more than 240,000 public comments on the proposed rulemaking. The Department anticipates issuing the final Title IX rule in October 2023.

SOURCE: U.S. Department of Education, *FACT SHEET: U.S. Department of Education's Proposed Change to its Title IX Regulations on Students' Eligibility for Athletic Teams* (4/06/23)

<https://www.ed.gov/news/press-releases/fact-sheet-us-department-educations-proposed-change-its-title-ix-regulations-students-eligibility-athletic-teams>

- *The proposed rule would apply to public K-12 schools, as well as colleges, universities, and other institutions that receive federal funding.*
- *The Department's approach would allow schools flexibility to develop team eligibility criteria that serve important educational objectives, such as ensuring fairness in competition or preventing sports-related injury. These criteria would have to account for the sport, level of competition, and grade or education level to which they apply. These criteria could not be premised on disapproval of transgender students or a desire to harm a particular student. The criteria also would have to minimize harms to students whose opportunity to participate on a male or female team consistent with their gender identity would be limited or denied.*
- *Under the proposed regulation, schools would not be permitted to adopt or apply a one-size-fits-all policy that categorically bans transgender students from participating on teams consistent with their gender identity.*

Boys competing in girls' sports – IS IT SAFE? IS IT FAIR?

Despite scientific evidence from many sources that clearly demonstrates physical superiority of biological males over biological females and greater susceptibility to certain sports injuries, the U.S. Department of Education has chosen to emphasize the emotional wellbeing of transgender students rather than the physical safety of biological female athletes.

SOURCE: Yale New Haven Health, *How Teen Girls Can Prevent Sports Injuries* (19 Jun 2023)

<https://www.ynhhs.org/articles/how-teen-girls-can-prevent-sports-injuries>

- *Teen girls are more prone than boys to some of the most common sports-related injuries. These differences are credited, in general, to body function, hormones and bone density. Ankle sprains, knee injuries and stress fractures are among the more common sports-related injuries in girls.*
- *Injury to the anterior cruciate ligament (ACL) is one of those injuries that, after puberty, disproportionately impacts female athletes. The risk of an ACL tear is two to six times greater in girls than boys. The risk comes from many factors, including muscle imbalance in the thighs. Girls' quadriceps can overpower their hamstrings, which puts pressure on the knee.*

SOURCE: National Library of Medicine, *Sex Differences in Common Sports Injuries* (14 Mar 2018)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6138566/>

- *Common sports injuries include bone stress injuries (BSIs), anterior cruciate ligament (ACL) injuries, and concussions. Less commonly recognized are the specific sex differences in epidemiology, risk factors, and outcomes of these conditions by sex.*
 - *Biomechanical and anatomical risk factors for BSI in female athletes. This includes reduced calf circumference, high rates of loading, increased tibial free moment, and femoral adduction.*
 - *Across all levels of play in basketball and soccer, female athletes are 2–8 times more likely to sustain an ACL injury than their male counterparts. Noncontact ACL injury is a multifaceted event influenced by anatomical, neuromuscular, biomechanical, genetic, hormonal, and other risk factors.*
 - *Anatomical risk factors for an ACL injury include smaller ligament size, decreased femoral notch width, increased posterior-inferior slope of the lateral tibia plateau, increased knee and generalized*

Boys competing in girls' sports – IS IT SAFE? IS IT FAIR?

laxity, and increased body mass index. Each of these factors is more likely to occur in female than male athletes.

- *Current research suggests that concussion rates are higher for female athletes compared to male athletes when examined on the basis of sports with comparable exposure types.*
 - *Higher rates of concussions are observed in female athletes despite competition rules designed to reduce the level of contact between players. Female lacrosse is a noncontact sport; however, the relative risk of concussion in females is 64% higher than in males. Epidemiologic studies in high school athletes demonstrate a higher rate of injury in female athletes.*
 - *Females tend to have a reduced amount of neck girth and strength relative to head size and head-neck length compared to males. This may reduce the overall stability and stiffness of the head-neck segment such that it is less able to absorb externally applied forces. Decreased neck strength has been associated with an increased risk for concussion, with every additional pound of neck strength reducing the odds of concussion by 5% in high school athletes*
 - *Most studies have found an increased duration of time loss for female athletes following a concussion, and that females are at an elevated risk for post-concussive syndrome compared to males.*
- *Risk factors in female athletes include smaller calf girth, femoral adduction, and higher rates of loading.*
- *Concussions occur more commonly in female athletes*
- *Discussion of sex-specific factors for sports injuries refers to biological differences. Sex differences relate to factors including hormones, anatomy, or X and Y chromosome gene expression. Gender is associated with societal behaviors and cultural factors.*
- *Intrinsic and extrinsic injury risk factors include the influence of hormones, neuromuscular control, biomechanics, anatomy, and societal differences in sports participation.*

SB0381.pdf

Uploaded by: Suzanne Duffy

Position: FAV

PLEASE support SB0381. By supporting this bill you protect every girl, young woman and all women of Maryland. As a WOMAN and for all women of Maryland, I beg you to support this bill. Why wouldn't each and every single one of you not be in full support of this very good bill? A bill that is already common sense. A bill that the good people of Maryland should assume you would want in protecting "the weaker sex" which we are physically, it's the way the divine created us to be different from the opposite male sex. Don't you want to protect us, protect women?

If you do one good act this legislative session, do this - protect the girls and women of Maryland, support with bill and the good and these legislative protectors of human rights:

Senators [Carozza](#), [Bailey](#), [Corderman](#), [Jennings](#), [Hershey](#), [Mautz](#), [Ready](#), [West](#), [Salling](#), [Folden](#), [McKay](#), [Gallion](#), and [Simonaire](#)

Suzanne Price
Anne Arundel Co, MD

SB 381 Written Testimony.pdf

Uploaded by: Suzie Scott

Position: FAV



February 6, 2024

Dear Senator Feldman, Senator Kagan, and members of the Education, Energy and the Environment Committee,

Moms for Liberty Maryland urges you to protect a level playing field for girls' sports by voting for a favorable report for SB 381.

This legislation brings fairness and common sense back to the discussion surrounding girls' sports. In the past year alone, there have been countless examples of girls suffering severe injuries at the hands of transgender athletes. Failure to act on this legislation is a failure of this body to protect our female athletes from serious injury. Furthermore, many girls have been denied awards and scholarship opportunities

when they have been bumped off podiums by transgender competitors. This is not fair or just. No one is in favor of denying transgender athletes their opportunities to play sports, but it should not be at the expense of biological girls. This bill applies specifically to high school intramural junior varsity and varsity teams. It provides for three types of teams: Girls', Boys', and coeducational or mixed teams. Therefore, it provides athletic opportunities for all students. HB47 seeks to promote equality by providing fairness for girls to compete safely. This will enable a level playing field where biological girls compete only against biological girls.

Please return a favorable report out of committee for SB 381 by showing your support for all student athletes while standing up for our girls.

Thank you for your time and consideration.

Suzie Scott

Chair

**Moms for Liberty Maryland Legislative
Committee**

02.01.24 LOS SB 0381 Joint.pdf

Uploaded by: Terry Hale

Position: FAV

Danielle Hornberger
County Executive

Steven Overbay
Director of Administration

Office: 410.996.5202
Email: dhornberger@ccgov.org



Jackie Gregory
Council President

Robert Meffley
Vice President

Office: 410.996.5201
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CECIL COUNTY GOVERNMENT
Cecil County Administration Building
200 Chesapeake Boulevard, Elkton, MD 21921

February 1, 2024

The Honorable Brian J. Feldman
The Honorable Cheryl C. Kagan
Education, Energy and the Environment Committee
2 West
Miller Senate Office Building
Annapolis, MD 21401

RE: SB 0381 – Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness In Girls' Sports Act)
Letter of Support

Dear Chairman Feldman, Vice Chair Kagan and Members of the Education, Energy, and the Environment Committee:


The County Council and the County Executive of Cecil County unanimously supports SB 0381 - Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness In Girls' Sports Act). The Hearing on this legislation is scheduled for February 7, 2024.


It is our understanding that this legislation requires certain interscholastic and intramural junior varsity and varsity athletic teams or sports sponsored by certain schools to be expressly designated based on biological sex; prohibiting certain entities from taking certain adverse actions against a school for maintaining separate interscholastic and intramural junior varsity and varsity athletic teams and sports for students of the female sex; and providing that certain individuals have the right to bring a civil action under certain circumstances.

Maintaining the integrity of our girls' sports is of the utmost importance to all our citizens. Cecil County strongly supports this legislation.

The County Executive and County Council of Cecil County respectfully request that the Education, Energy and Environment Committee send a favorable report on SB 0381.

Sincerely,


Danielle Hornberger
County Executive


Jackie Gregory
President of County Council

Tibbals_SUPPORT SB 381_ Education - Interscholast

Uploaded by: Trudy Tibbals

Position: FAV

SB 381: Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness In Girls' Sports Act): Please SUPPORT this bill!!

If you have ever played sports, as I did in high school, there is a VAST difference between biological males and biological females.

Biological males have the advantage on most fundamental motor skills, particularly object control (throwing, catching, kicking) and body control (agility) skills. “Because of sex differences, the male will have a larger heart, greater lung capacity, greater muscle mass, more red blood cells, and less body fat, all of which give males performance advantages over females. These differences are obvious to most people, which is why most people believe it’s unfair and perhaps unsafe for men to compete against women in sports. Many anatomical sex differences driven by testosterone are not reversible. Hemoglobin levels and muscle mass are sensitive to adult life testosterone levels, with hemoglobin being the most responsive. Studies in transgender women, and androgen-deprivation treated cancer patients, show muscle mass is retained for many months, even years, and that co-comittant exercise mitigates muscle loss. Given that sports are currently segregated into male and female divisions because of superior male athletic performance, and that estrogen therapy will not reverse most athletic performance parameters, it follows that transgender women will enter the female division with an inherent advantage because of their prior male physiology.

The current IOC regulations allow transwomen athletes to compete if testosterone levels have been lowered to <10 nmol/L for 12 months prior to competition. While this begins to address the advantageous effects of circulating testosterone on athletic performance, it does not take into account the advantage afforded by testosterone exposure prior to transitioning. The existing data suggests that lowering testosterone to less than 10 nmol/L for 12 months decreases muscle mass but not to biological female levels and despite the decrease in mass, muscle strength can be maintained, especially if concurrently exercising. Estrogen therapy does not affect most of the anatomical structures in the biological male that provide a physiological benefit. Hemoglobin levels are lowered by estrogen therapy, and consequently, maximum aerobic effort may be lower, but this parameter will only be manifested if testosterone levels are suppressed to levels within the biological female range and maintained for extended periods of time. Reported studies show it is difficult to continuously suppress testosterone in transgender women. Given that the percentage difference between medal placings at the elite level is normally less than 1%, there must be confidence that an elite

transwoman athlete retains no residual advantage from former testosterone exposure, where the inherent advantage depending on sport could be 10–30%. Current scientific evidence can not provide such assurances and thus, under abiding rulings, the inclusion of transwomen in the elite female division needs to be reconsidered for fairness to female-born athletes.”

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9331831/>

According to The American College of Sports Medicine (ACSM):

- Biological sex is a determinant of athletic performance: adult males are faster, stronger, more powerful than females because of fundamental sex differences in anatomy and physiology dictated by sex chromosomes.
- Before puberty, sex differences in athletic performance are minimal. Significant differences emerge at puberty (~12 years) due to anabolic effects of testosterone in males. Testosterone levels rise 20-30-fold in males during puberty and are 15 times higher in males than females by age 18.
- Direct and indirect effects of testosterone during male puberty include increase skeletal muscle mass due to larger muscle fiber cross-sectional area, especially fast, type II fibers; lower percentage body fat; higher hemoglobin concentration and mass; larger ventricular mass (heart) and cardiac volumes; larger airways and lungs; greater body height; and longer limbs.
- Adult males are stronger, more powerful, and faster than females of similar age and training status. The sex difference in athletic performance where endurance or muscular power is required is roughly 10-30% depending on the event.

Recently, a female flag football team debuted in the State of Maryland. Can you imagine if a 6'3" post-pubescent biological male, or several, had competed on this football team? They would have a huge competitive advantage over the biological females, not to mention that they may have posed a severe threat of injury to the female athletes. (I used that example, because I dated a tackle/linebacker in high school that was 6'3" and weighed 240 lbs. He lifted weights every day in the school gym to keep in shape for football, and then track & field, where he competed in the discus and shotput. He was insanely strong, so much stronger than a female! And he was so much faster than a female)!

There are many more examples I would document, but that would take up too much of your time to read. Simply put, biological males have a biological and competitive advantage over biological females in sports. It is completely unfair and even dangerous to have biological males compete against biological females!!

I implore you to please think this through before you vote on this bill!!

We need to protect our daughters/female athletes from the physical dangers and the unfair competitive advantage of having biological males compete in female sports!! Not to mention the scholarships that our female athletes would miss out on when they were awarded to biological males. For some students, I understand that receiving scholarships is the only way they can attend college.

Thank you for your courtesy and cooperation!!

Trudy Tibbals, A Very Concerned Mother and Maryland resident

HB47_AMD_UNF_1.31.24 (1).pdf

Uploaded by: Alice Wilkerson

Position: UNF



Senate Bill 381
Education - Interscholastic and Intramural Junior Varsity and Varsity Teams -
Designation Based on Sex

Oppose

Dear Chair, Vice Chair, and members of the Committee,

Advance Maryland is strongly opposed to SB 381, which would ban young transgender student athletes from participating in school sports. At Advance Maryland, we work towards a Maryland with thriving, healthy and inclusive communities where all Marylanders have access to opportunity, including safe and affordable housing; economic prosperity; quality healthcare; reliable transportation; a restorative justice system; and a livable future.

There are no evidence-based, scientific reasons to ban transgender girls from participating in girls' sports. This bill would only cause an already vulnerable student population more harm by denying them the documented benefits of participation in sports and further singling them out in a hostile and unnecessary way.

Legislation like SB 381 only perpetuates myths based on transphobia and sexism, and fails to recognize that there are many factors that contribute to success in sports, and those factors vary depending on the sport. There is also no evidence that transgender girls have any biological advantage over their cisgender peers in sports. Any claim that they do is not based on science. According to a [Literature Review by Sports Medicine in 2017](#):

Currently, there is no direct or consistent research suggesting transgender female individuals (or male individuals) have an athletic advantage at any stage of their transition (e.g. cross-sex hormones, gender-confirming surgery).

Keep transphobia out of youth sports, and please give SB 381 an unfavorable report.

Thank you for your time and consideration,

Alice Wilkerson, Executive Director

SB 381-Fairness in Girls Sports -UULM-MD-Oppose-Ka

Uploaded by: Ashley Egan

Position: UNF



Unitarian Universalist Legislative Ministry of Maryland

Testimony to OPPOSE

SB 381- Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness In Girls' Sports Act)

TO: Brian Feldman, Chair and the Members of the Education, Energy, and the Environment Committee
FROM: Kari Alperovitz-Bichell, MD, MPH
Unitarian Universalist Legislative Ministry of Maryland
DATE: February 7, 2024

I am Kari Alperovitz-Bichell, MD, representing myself both as a physician and a person of faith representing the Unitarian Universalist Legislative Ministry of Maryland.

We urge you to OPPOSE SB 381- Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness In Girls' Sports Act). This bill unnecessarily stigmatizes trans youth. This is a solution in search of a problem which was debunked in this article by Scientific American.¹ Trans youth are rare and likely to be taking puberty-delaying medication, which would take away any perceived “unfair” advantages due to the effects of testosterone,

However, this bill would also set up a system of asking the school to decide which youth are “biological girls.” As a medical doctor, I have questions about what mechanisms would be used and what protections would be put in place to protect children from false accusations and invasive exams done by people with dubious credentials.

As a primary care physician, I have provided gender affirming treatment. I have seen first hand how gender affirming care can be lifesaving. But, more fundamentally for me and my fellow Unitarian Universalists, I am called by the first principle of my faith to affirm the inherent worth and dignity of every human being.

This bill takes away the ability of trans youth to participate in an important aspect of high school. Participation in school sports can be an important coping mechanism for the stressors of High School. Unfortunately, participation in sports teams outside of schools are not always available to the poorest of our kids.

Therefore, we at UULM-MD urge you to oppose SB 381.

Kari Alperovitz-Bichell, MD, MPH

¹ <https://www.scientificamerican.com/article/trans-girls-belong-on-girls-sports-teams/>

SB0381 Written Testimony Fairness in Girls Sports.

Uploaded by: Ayla Hurley

Position: UNF

Ayla Hurley
6385 Windharp Way
Columbia, MD 21045
District 13

TESTIMONY IN OPPOSITION OF SB0381, Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness In Girls" Sports Act)

2/6/2024

TO: Chair Feldman and members of the Senate Education, Energy, and Environment Committee

FROM: Ayla Hurley

Chair Feldman and members of the committee, my name is Ayla Hurley and I've resided in Maryland my entire life. Supporters of this bill say that it is "not about trans people," but by attempting to narrow the scope to "biological sex," it inherently will unfairly impact trans people - which is precisely what supporters of this bill are hoping for. It's obtusely-veiled transphobia under the guise of protecting girls at the expense of the most vulnerable girls. Those opposing this bill are those who would've been directly affected by it as kids, who are raising trans athletes, and professionals providing widely-accepted recommendations from the top medical and psychological associations in our country.

In my time as a volunteer counselor for the largest queer-focused youth crisis center in the US, I know deeply how bills like this directly contribute to trans youth struggling with their mental health. I have conversed with people as young as eleven who know that they are "different," and whose only wish is to be accepted as they are. Instead, adults in their lives, on TV, and in government suddenly accuse them of being malicious predators when finding out that they're not the sex they were assigned at birth. I've talked kids off bridges. I've talked them out of the pills in the cabinet. I've talked them into moving the knife away from their wrist - "how would it feel to go on a walk right now? We can keep talking. I'm here for you."

May you never have to have that conversation - but roughly **half** of transgender and nonbinary youth considered suicide in the last year, according to the Trevor Project's 2023 National Survey on Mental Health of LGBTQ Young People. These bills tell them that they don't get to know who they are; that they're malicious actors, simply for trying to ease the discomforts they feel in their minds and bodies. Trans kids just want to be kids, like all of their peers.

Youth sports are supposed to be a place to learn the values of teamwork and community. Without an affirming community of support, according to a study by Ryan, et al. in 2009, transgender and nonbinary youth are eight times more likely to report attempting suicide. The disturbing thought that the Delegates who introduced this bill care more about their flawed understanding of sex and gender, than that those kids might try to kill themselves, is upsetting on a deep level. Let ALL kids be kids. Please do not pass this blatantly discriminatory bill. Thank you.

Testimony on SB0381.pdf

Uploaded by: Blaine Greene II

Position: UNF

Chairman Feldman, Vice Chairwoman Kagan, Senator Carozza et al, members of the committee, distinguished guests of the legislature.

Hello. My name is Blaine Greene II. I'm writing today to request an unfavorable report for Senate Bill 0381, or the "Fairness in Girls Sports' Act." Before I begin my argument, I must underscore that this does not represent any governmental, cultural, educational or other type of organization with which I have, or have had, affiliation.

This bill is an improper boundary alteration between private expression and public service, forcing individuals into even narrower classifications that prove even less necessary or desirable. If we are attempting to enforce what a "woman" is versus what a "man" is today, then we have not learned from the ignorance of our parents, their parents, their parents' parents and so on.

For one thing, we are propagating the classification of men vs women in sports for no discernible reason. When we establish and affirm these divisions based on gender, we are disallowing the probability that some of our students or some of our kids do not ascribe to the gender of "man" or "woman."

In fact, I ask, "what is the purpose of holding onto biological sex as an objective definition of gender?" In addition, why are we concerned about the biological differences between males and females so much so that we are unwilling to have them compete against each other? I have been practicing the Korean martial art of taekwondo for the last fifteen years this April and I assure you that men and women have bested me without a second thought about my gender. In taekwondo, you are required to spar against your contemporaries, and I have been bested countless times in both practices and in state-wide competitions by men and women. That's not even mentioning the high likelihood of, unbeknownst to me (because it doesn't matter, all things considered), I could have sparred a transgender person or a non-binary person or a genderfluid person.

And yes, physical injuries *do* occur, but they do not only occur 1) at the hands of men; 2) against women; and 3) because the two genders were playing in the same game. I concede that those events are capable of occurring in the aforementioned manner, just as I concede that there have been individuals who have abused their transition to discriminate against and harm people. However, we should not focus on these instances as if they are representative of transgender people, especially of transgender youth who are already facing discrimination and harm whilst attempting to live their own lives.

It is insulting to imply that physical injury, mental stress or academic competition do not occur amongst male athletes. It is insulting to imply that sexual misconduct, sexual harassment or

anything akin to those violations do not occur amongst male athletes. It is insulting to imply that male athletes do not experience turnover on account of their teams losing.

In addition, it is understandable to conceive of gender transitions as relative to mental health distress but this should not inhibit a parent or teacher from speaking with kids or with students or with family members in public schools on their gender transition. We may very well associate gender transition with gender dysphoria and other examples of mental health distress, but we are not at a point in either science or culture where we can affirm that gender transition universally and objectively causes mental health distress.

Ultimately, this bill feigns interest in the physical, mental or academic well-being of our student athletes and continues to subject them to gender roles which do little, if anything, to aid the evolution of commonplace understandings of a complex concept like gender. The focus of concern revolves around the transgender woman, or an individual who was born as a man who transitions into women. I ask the committee: what about transgender men, or individuals born as women who transition into men?

In parting, I request any sponsors of the bill to reconsider who is being targeted today – it is not only biological women, but biological men, transgender men and women, non-binary, agender and genderfluid individuals. And as extensive as that list is by comparison, that is only the tip of the iceberg – one iceberg which we shall spend the rest of our lives and our kids the rest of theirs and their kids the rest of theirs breaking through. To quote Jed Bartlet, “every time we think we have measured our capacity to meet a challenge, we look up and we're reminded that that capacity may well be limitless.”

Thank you.

Testimony in OPPOSITION to SB 381.pdf

Uploaded by: Caius Willingham

Position: UNF



**Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation
Based on Sex
February 7, 2024
Testimony of the National Center for Transgender Equality In OPPOSITION to SB 381**

Dear Chair Feldman, Vice Chair Kagan, and members of the Senate Education, Energy, and the Environment Committee,

The National Center for Transgender Equality (NCTE) is submitting this testimony in opposition to SB 381. NCTE is a nationwide, non-profit, non-partisan organization founded in 2003 to promote public understanding, opportunity, and well-being for the nearly two million Americans who are transgender. In the nation's capital and throughout the country, NCTE works to replace disrespect, discrimination, and violence with empathy, opportunity, and justice. In addition to conducting public education and groundbreaking national survey research, NCTE works with federal, state, and local agencies on a wide range of issues facing transgender individuals in the United States to change policies to create a society where transgender people can freely and safely participate in public life to the same extent of their cisgender peers. It is in pursuit of these goals that NCTE enters this testimony.

NCTE respectfully urges the committee to return an unfavorable report on SB 381. This bill discriminates against students based on sex in violation of federal civil rights law while doing nothing to address pressing issues facing women and girls in athletics. That is why 16 state athletic associations and women's rights organizations like the Women's Sports Foundation and the National Women's Law Center also support the inclusion of transgender athletes.

Title IX of the Educational Amendments Act of 1972 prohibits federally funded educational programs from discriminating against or otherwise restricting the ability of students to participate in educational programs on the basis of sex.¹ As affirmed by the U.S. Supreme Court in *Bostock v. Clayton County*, protections against sex-based discrimination necessarily protect against discrimination based on gender identity or sexual orientation.² SB 381 directly violates federal civil rights law by barring transgender athletes from participating in athletics programs in accordance with their gender identity. Thus, if this bill is implemented, athletics programs will be put in the impossible position of complying with federal law and facing legal liability under state law or abiding by Maryland state law and facing legal liability for violating federally protected civil rights.

¹ Education Amendments Act of 1972, 20 U.S.C. §§1681 - 1688 (2018).

² *Bostock v. Clayton Cty.*, 140 S. Ct. 1731 (2020)



If passed, SB 381 would profoundly hinder the ability of transgender students to participate equally in Maryland’s education system. Athletics are a vital aspect of education that offers important lessons critical to a youth’s development. Sports, especially team sports, allow young people from diverse backgrounds to engage in healthy movement and play, develop core values like discipline and teamwork, and form meaningful connections with their peers. Banning transgender youth from participating in sports deprives them of these opportunities and adversely impacts a child’s education as a whole. The Trevor Project, a national organization that advocates for the mental health of LGBTQI+ youth, found that transgender and nonbinary athletes had significantly higher grades than their transgender and nonbinary peers who did not participate in sports.³ SB 381 would deprive transgender youth of a crucial component of the educational experience.

In conclusion, opposing this bill is imperative to safeguarding fairness and inclusion within our educational institutions. By mandating the designation of athletic teams based solely on “biological sex,” this bill not only perpetuates harmful stereotypes about our youth but also undermines the progress made toward creating safer environments where all students can thrive regardless of gender identity. Restricting the ability of public schools to foster diversity and inclusivity in athletic programs not only discriminates against transgender, intersex, and gender-diverse students but also risks depriving all students of experiences and opportunities that come from participating and sharing in a diverse range of sports participation. Therefore, NCTE respectfully urges this committee to return an unfavorable report on SB 381.

³ The Trevor Project, “The Welbeing of LGBTQ Youth Athletes,” October 2020, <https://www.thetrevorproject.org/wp-content/uploads/2021/07/LGBTQ-Youth-Sports-and-Well-Being-Research-Brief.pdf>

SB 0381.MCCR Testimony. Fairness Girls Sports.02.0

Uploaded by: Cleveland Horton

Position: UNF



State of Maryland Commission on Civil Rights

Respect...Integrity...Effective Communication

Governor
Wes Moore

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Aruna Miller

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PharmD, MBA
Isabella Firth Shycoff

Officers
Executive Director
Alvin O. Gillard

Deputy Director
Cleveland L. Horton II

General Counsel
Glendora C. Hughes

February 7, 2024

SB0381 Education – Interscholastic and Intramural Junior Varsity Teams -

Designation Based on Sex -

(Fairness In Girls' Sports Act)

POSITION: Oppose

Dear Chairperson Feldman, Vice Chairperson Kagan and Members of the Senate Education, Energy, and the Environment Committee

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, health services, and state contracts based on race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

SB 381 will authorize discrimination based on gender identity and perpetuate transphobia. It would stigmatize vulnerable children, prevent them from being who they are, and serve to exclude these children from important school activities. This contradicts MCCR’s purpose to eliminate discrimination based on protected classes.

The “Fairness in Girls’ Sports Act” is not a novel idea. Bills with largely the same language have been introduced and even passed in several other states, beginning with Idaho, which enacted its bill in 2020. Other states followed suit by adopting their own bills over the next two years, such as West Virginia (HB 3293), Oklahoma (SB 2), Alabama (HB 391), and South Carolina (HB 4608), among several others. Some states, including Missouri (SB 781) and Ohio (HB 61), proposed similar bills in 2022 that did not pass. Maryland should not join in this trend of recent anti-trans legislation, and instead uphold trans people’s rights, dignity, and identity. When similar bills were introduced in the Maryland House of Delegates in 2022 (HB 757) and last year 2023 (HB 359) it received unfavorable reports from the Ways and Means Committee, and MCCR urges the same result in 2024.

After its demise in 2022, the Maryland bill was amended to focus only on high schools, but almost every student attending a high school is under the age of 18—a child. At this age, like any age, physiological traits do not necessarily determine athletic skill. Any advantage that a trans girl could have could likewise be found in a cisgender girl, as there is vast natural variation among all people. While the NCAA and the Olympic Committees

“Our vision is to have a State that is free from any trace of unlawful discrimination.”

William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, Maryland 21202-1631
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Website: mccr.maryland.gov · E-Mail: mccr@maryland.gov

have recently updated their policies on trans athletes, even they have not gone as far as HB 47 does. This legislation contravenes science and enshrines outdated and damaging social beliefs that do not belong in schools in 2024. Instead, schools should be promoting tolerance, inclusion, and sportsmanship. If Maryland truly wants to be fair to its girls, it must be fair to all girls.

Permitting legal assessments of biological sex to become a matter of law will almost certainly target Marylanders from “disadvantaged and mostly poor backgrounds.” Any analysis of transgender inclusion in sports should be a matter of research and analysis performed by academic and medical experts relying upon credible peer-reviewed research to draw conclusions. An article penned by faculty of the Center for Sport Management Research and Education, Department of Health and Kinesiology, Texas A&M University and published by the Kinesiology review concludes that “sport is a human right, and as such, a right for transgender individuals” further providing “five reasons for inclusion, basing their arguments on sport as a human right, fairness, gendered notions of athleticism, well-being, and economics. (See **Transgender Inclusion in Sport** George B. Cunningham, 1 Risa Isard, 2 and E. Nicole Melton² 1 Center for Sports Management, Research, and Education, Department of Health and Kinesiology, Texas A&M University, College Station, TX, USA; 2Mark H. McCormack Department of Sports Management, University of Massachusetts Amherst, MA, USA.)

Maryland should continue to be the State of inclusion and not pass legislation that seeks to exclude its citizens and legislate intolerance. For these reasons, the Maryland Commission on Civil Rights urges an unfavorable vote on HB 47. Thank you for your time and consideration of the information contained in this letter. MCCR looks forward to the continued opportunity to work with you to improve and promote civil rights and human rights in Maryland.

CooperTanbusch_Testimony.pdf

Uploaded by: Cooper Tanbusch

Position: UNF

HB0047 and SB0381

7 Feb. 2024

2 p.m. ET

My name is Cooper Tanbusch. I am a transgender man who goes to school at University of Baltimore School of Law in the evenings and works during the day. I am one of the representatives for the University of Baltimore's Trans Law Student Association.

I am testifying against Bills HB0047 and SB0381 – the "Fairness in Girls' Sports Act."

Throughout my childhood, I was severely bullied. I surrounded myself with a group of friends at school and when I would go home, I would be subjected to my adult bullies. My confidence was torn down, my stability was stripped from me, and, finally, my will to live was taken from me. Throughout middle, high school, college and a good portion of my young adult life, I was miserable.

From what little of my childhood I can remember, I have exhibited signs of being transgender from as early as 3 years old. I initially came out of the closet to my parents when I was 16; at that point in time, I did not know what being transgender was – this was 2008 and the information about transgender individuals was not as accessible – but I knew I wanted to be a man.

I was forced back into the closet. I began to perform poorly in classes that I had once excelled at. My parents had teachers, who were unqualified to do so, lecture at me after school about my mental health. I had already been in therapy for many years; my parents used the therapists as tools to invalidate my emotions. I was pulled out of extracurricular programs to distance me from my peers.

I was ostracized, alone and suicidal.

I'm 31 years old now and happy. I never thought I would turn 25, let alone make it to my 30s. I have not contemplated suicide since I began transitioning 3 years ago, and life only seems to get better as I grow, even if it sometimes gets harder.

Today, I recognize that what happened to me was a form of adult bullying, much like these two bills are. These bills, proposed by adults, aim to strip the rights from parents to protect their children. Further, these bills project to ostracize trans children and teach their peers that it is okay to disrespect their friends if they do not fit in with the status quo.

Children that are ostracized are bullied. Sometimes, like in the case of Brianna Ghey, the bullying results in murder. Children that are ostracized are forced to be alone. Children that are alone sometimes attempt suicide; sometimes, those attempts are successful.

I personally don't know if it's religion or fear that's incentivizing this kind of vitriolic actions from these delegates. I do know that they do not care about children in the way they pretend to. I have come face to face with many people like them over the course of my childhood and the malice is palpable.

As a trans person, I can say that I am personally not afraid of going to hell because people like these delegates, proposing these bills that are only meant to bully children, work hard to make life a living hell and yet we still thrive in these conditions. I hope the committee will consider disregarding these bills with prejudice.

Thank you for your time.

Cooper Tanbusch
University of Baltimore's School of Law -- Trans Law Student Association
Cooper.tanbusch@gmail.com
(443)623-4125

SB381 Testimony 2024.pdf

Uploaded by: Debi Jasen

Position: UNF

Senate Bill 381 - UNFAVORABLE
Education, Energy, and the Environment Committee

Honorable Chair, Vice Chair, and Members of the Education, Energy, and the Environment Committee;

I ask that you give Senate Bill 381 an unfavorable report.

Senate Bill 381 would discriminate against transgender and intersex youth who want to participate in sports. It would cause dysphoria, contribute to depression, and act to delegitimize the existence of transgender and intersex people. Additionally, it not only prevents transgender and intersex athletes from participating on public high school sports teams with people of the same gender, it prevents nonpublic high schools from determining who would be on their sports teams - a direct violation of the freedom of religion.

Any claims of this being a feminist bill are hollow. As a feminist who has been active in feminist issues for 40 years, I can say with authority that feminism is both trans-inclusive and intersex-inclusive.

Please give Senate Bill 381 an UNFAVORABLE report. Thank you for your consideration.

Sincerely,
Debi Jasen
Pasadena, MD

PPM--SB 381--UNF.pdf

Uploaded by: Erin Bradley

Position: UNF

Planned Parenthood of Maryland

Committee: Education, Energy, and the Environment Committee

Bill number: SB 381 - Education – Interscholastic and Intramural Junior Varsity and Varsity Teams and Sports – Designation Based on Sex (Fairness in Girls’ Sports Act)

Hearing Date: February 7, 2024

Position: Oppose

Planned Parenthood of Maryland strongly opposes *SB 381 - Education – Interscholastic and Intramural Junior Varsity and Varsity Teams and Sports – Designation Based on Sex (Fairness in Girls’ Sports Act)*. The bill requires public and private high schools to maintain single-sex sports teams, defines sex as biological, and creates a private right of action for students “deprived of an athletic opportunity” because of a violation of the law.

This bill does not create fairness in sports. It does perpetuate a history of stigma and discrimination against transgender and nonbinary students. The bill would also violate Title IX of the Education Amendments of 1972. The U.S. Department of Education recently affirmed that Title IX prohibits discrimination against transgender students in any educational program or activity offered by a school that receives federal financial assistance.ⁱ

In a 2022 survey, the Trevor Project found that nearly 1 in 5 transgender or nonbinary student had contemplated suicide during the past year.ⁱⁱ The survey further finds, that LGBTQ youth who found their school to be affirming reported lower rates of attempting suicide. Thus, we must oppose HB 47 and similar measures while continuing to work towards more supportive environments in schools for transgender and nonbinary youth.

As providers of gender-affirming care, we stand with our patients and ask for an unfavorable vote on SB 381. If we can provide any further information, please contact Erin Bradley at Erin.Bradley@ppm.care or (443) 604-3544.

ⁱ <https://www2.ed.gov/about/offices/list/ocr/docs/202106-titleix-noi.pdf>

ⁱⁱ https://www.thetrevorproject.org/survey-2022/assets/static/trevor01_2022survey_final.pdf

SB 0381.MCCR Testimony. Fairness Girls Sports.02.0

Uploaded by: Glendora Hughes

Position: UNF



State of Maryland Commission on Civil Rights

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General Counsel
Glendora C. Hughes

February 7, 2024

SB0381 Education – Interscholastic and Intramural Junior Varsity Teams -

Designation Based on Sex -

(Fairness In Girls' Sports Act)

POSITION: Oppose

Dear Chairperson Feldman, Vice Chairperson Kagan and Members of the Senate Education, Energy, and the Environment Committee

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, health services, and state contracts based on race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

SB 381 will authorize discrimination based on gender identity and perpetuate transphobia. It would stigmatize vulnerable children, prevent them from being who they are, and serve to exclude these children from important school activities. This contradicts MCCR’s purpose to eliminate discrimination based on protected classes.

The “Fairness in Girls’ Sports Act” is not a novel idea. Bills with largely the same language have been introduced and even passed in several other states, beginning with Idaho, which enacted its bill in 2020. Other states followed suit by adopting their own bills over the next two years, such as West Virginia (HB 3293), Oklahoma (SB 2), Alabama (HB 391), and South Carolina (HB 4608), among several others. Some states, including Missouri (SB 781) and Ohio (HB 61), proposed similar bills in 2022 that did not pass. Maryland should not join in this trend of recent anti-trans legislation, and instead uphold trans people’s rights, dignity, and identity. When similar bills were introduced in the Maryland House of Delegates in 2022 (HB 757) and last year 2023 (HB 359) it received unfavorable reports from the Ways and Means Committee, and MCCR urges the same result in 2024.

After its demise in 2022, the Maryland bill was amended to focus only on high schools, but almost every student attending a high school is under the age of 18—a child. At this age, like any age, physiological traits do not necessarily determine athletic skill. Any advantage that a trans girl could have could likewise be found in a cisgender girl, as there is vast natural variation among all people. While the NCAA and the Olympic Committees

“Our vision is to have a State that is free from any trace of unlawful discrimination.”

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have recently updated their policies on trans athletes, even they have not gone as far as HB 47 does. This legislation contravenes science and enshrines outdated and damaging social beliefs that do not belong in schools in 2024. Instead, schools should be promoting tolerance, inclusion, and sportsmanship. If Maryland truly wants to be fair to its girls, it must be fair to all girls.

Permitting legal assessments of biological sex to become a matter of law will almost certainly target Marylanders from “disadvantaged and mostly poor backgrounds.” Any analysis of transgender inclusion in sports should be a matter of research and analysis performed by academic and medical experts relying upon credible peer-reviewed research to draw conclusions. An article penned by faculty of the Center for Sport Management Research and Education, Department of Health and Kinesiology, Texas A&M University and published by the Kinesiology review concludes that “sport is a human right, and as such, a right for transgender individuals” further providing “five reasons for inclusion, basing their arguments on sport as a human right, fairness, gendered notions of athleticism, well-being, and economics. (See **Transgender Inclusion in Sport** George B. Cunningham, 1 Risa Isard, 2 and E. Nicole Melton² 1 Center for Sports Management, Research, and Education, Department of Health and Kinesiology, Texas A&M University, College Station, TX, USA; 2Mark H. McCormack Department of Sports Management, University of Massachusetts Amherst, MA, USA.)

Maryland should continue to be the State of inclusion and not pass legislation that seeks to exclude its citizens and legislate intolerance. For these reasons, the Maryland Commission on Civil Rights urges an unfavorable vote on HB 47. Thank you for your time and consideration of the information contained in this letter. MCCR looks forward to the continued opportunity to work with you to improve and promote civil rights and human rights in Maryland.

HB47_SB0381 2024 - GLSEN MD .pdf

Uploaded by: Jaden Farris

Position: UNF

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.

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Unfavorable Testimony SB0381 - 2.7.2024.pdf

Uploaded by: Jeremy Browning

Position: UNF



**Maryland Commission
on LGBTQIA+ Affairs**

**TESTIMONY OF JEREMY BROWNING
DIRECTOR, MARYLAND COMMISSION ON LGBTQIA+ AFFAIRS
UNFAVORABLE STATEMENT ON SB0381
EDUCATION - INTERSCHOLASTIC AND INTRAMURAL JUNIOR VARSITY AND
VARSITY TEAMS - DESIGNATION BASED ON SEX**

February 7, 2024

Education, Energy, and the Environment Committee

The Hon. Brian J. Feldman, Chair
The Hon. Cheryl C. Kagan, Vice Chair

Chair Feldman, Vice-Chair Kagan, and members of the Education, Energy, and the Environment Committee, my name is Jeremy Browning(he/him), and I am the Director of the Maryland Commission on LGBTQIA+ Affairs. The Commission was created by the 2021 Maryland General Assembly, and later altered in 2023, to assess challenges facing our LGBTQIA+ communities, establish best practices and recommendations for LGBTQIA+ inclusion, and provide testimony to legislative and administrative bodies.

The Maryland Commission on LGBTQIA+ Affairs is in strong opposition to Senate Bill 381, Fairness in Girls' Sports Act. This proposed legislation, despite its name, does not promote fairness. Instead, it institutionalizes discrimination and exclusion against transgender and intersex women and girls in sports.

Additionally, this approach not only disregards the rights and dignity of transgender women and girls but also places an undue emphasis on the bodies of all girls, women, and athletes assigned female at birth, potentially subjecting them to invasive and degrading physical examinations.

For these reasons, the Maryland Commission on LGBTQIA+ Affairs strongly urges an unfavorable report on Senate Bill 381.

Maryland Commission on LGBTQIA+ Affairs
100 Community Place
Crownsville, MD 21032

SB 381 HTPP Testimony- UNFAV.pdf

Uploaded by: Jessica Emerson

Position: UNF

Testimony of the Human Trafficking Prevention Project

BILL NO: Senate Bill 381
TITLE: Education – Interscholastic and Intramural Junior Varsity and Varsity Teams – Designation Based on Sex (Fairness in Girls’ Sports Act)
COMMITTEE: Education, Energy, and the Environment
HEARING DATE: February 7, 2024
POSITION: **OPPOSE**

Senate Bill 47 would require public and private high schools to maintain single-sex sports teams, defines sex as biological, and creates a private right of action for students “deprived of an athletic opportunity” because of a violation of the law. [The Human Trafficking Prevention Project](#) strongly opposes this bill because it unfairly targets transgender girls, depriving them of the opportunity to participate in one of the most popular outlets for social support available to school-aged youth. Additionally, legislation such as this puts nonbinary, transgender, and gender-nonconforming youth at greater risk of exploitation by increasing the stigma, violence, and exploitation they so commonly face.

Efforts at raising public awareness about the crime of human trafficking commonly ignores the impact that gender identity and gender presentation has on a person's vulnerability to trafficking. The reality is that nonbinary, transgender, and gender non-conforming people are put at disproportionately higher risk of human trafficking because of the discrimination and isolation that they so often face,¹ which commonly translates into the hallmarks of heightened trafficking risk including interpersonal violence, financial instability, homelessness, and drug use.²

According to a national survey conducted by the Trevor Project, which captured the experiences of nearly 34,000 LGBTQ youth ages 13-24 across the United States, nearly 1 in 5 transgender and nonbinary youth attempted suicide within the past year.³ However, those youth who found their schools and communities to be more affirming of LGBTQ youth reported significantly lower rates of suicide than those youth who did not.⁴ SB 381, brought under the guise of “protecting” youth, instead compounds the harms our state’s most vulnerable youth already face, and, even worse, makes the state a willing participant in it.

In recent years, Maryland has begun to show its support for *preventing* human trafficking and other forms of violence and exploitation by addressing the societal challenges that make its citizens more vulnerable to exploitation. SB 381 would reverse this progress by *increasing* the stigma that nonbinary, transgender, and gender non-conforming youth face by depriving them of two of the most crucial aspects of adolescent development- connection with their peers and developing a sense of belonging within their communities. Additionally, in a time of unprecedented and unsubstantiated attacks on the rights of transgender people, it is crucial that Maryland stand up and say conclusively that policies driven by fear and intolerance have no place in our state. For these reasons, the Human Trafficking Prevention Project strongly opposes Senate Bill 381, and respectfully urges an *unfavorable* report.

For more information, please contact:
Jessica Emerson, LMSW, Esq.
Director, Human Trafficking Prevention Project
jemerson@ubalt.edu

¹ The Freedom Network, *Transphobia and Human Trafficking* (2024), <https://freedomnetworkusa.org/2022/03/31/transphobia-and-human-trafficking/> (highlighting that “[w]hen we talk about the fundamental causes of trafficking, we often focus on how people’s identities can make them vulnerable. However, we must make it clear that their identity does not make them inherently more susceptible to trafficking. Instead, the discrimination and inequities that they face every day create opportunities for traffickers, and transphobia is not an exception.”).

² See generally Meaghan Tomasiewicz, *Sex Trafficking of Transgender and Gender Nonconforming Youth in the United States* 5-8 (2018), <https://ecommons.luc.edu/cgi/viewcontent.cgi?article=1017&context=chrc>.

³ The Trevor Project, *2022 National Survey on LGBTQ Youth Mental Health* 4 (2022), https://www.thetrevorproject.org/survey-2022/assets/static/trevor01_2022survey_final.pdf.

⁴ *Id.*

SB 381.Save Women's Sports Act .pdf

Uploaded by: John Woolums

Position: UNF

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.

TLSA Testimony (1).pdf

Uploaded by: Julea Seliavski

Position: UNF



**TRANS LAW STUDENT
ASSOCIATION**

University of Baltimore, School of Law

HB47 and SB381 - Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness in Girls' Sports Act) - February 7, 2024 - IN OPPOSITION

Thank you for the opportunity to submit written testimony. The Trans Law Student Association (TLSA) strongly opposes Bill HB47/SB381, titled the "Fairness in Girls' Sports Act." TLSA is a student organization at the University of Baltimore, School of Law in Baltimore, MD. Members of our organization are constituents of Maryland. Our organization is dedicated to serving the trans student population by advocating for the unique needs of the population to administration, faculty, students, and the broader legal community. This bill directly impacts the community we serve, including the K-12 schools which educate our future lawyers.

The Fairness in Girls' Sports Act endangers the lives of trans youth and places dangerous legal liability on already underfunded public and private schools. In a study published by the National Library of Medicine, researchers found that anti-transgender legislation is directly linked with suicide-and depression-related internet searches. Anti-trans legislation directly links to an increased rate of suicide in trans youth. The American Psychology Association found that [one in three LGBTQ+](#) youth said their mental health was poor due to anti-LGBTQ policies and legislation.¹ [According to a 2021 report from the Trevor Project](#), 61% of transgender children faced some form of bullying or harassment; 32% of those transgender children would go on to attempt suicide.² Othering transgender children and not allowing them to organize within the gender they identify ostracizes them. The passing and implementation of these bills acts as reinforcement for the schools to tell other children that it is okay to "other" individuals and single them out. This bill requires schools to designate sports by biological sex or by "co-educational or mixed team sport." By prohibiting trans students from participating in the sport on the basis of gender identity, it discriminates on the basis of transgender status and sex in violation of the United States Constitution and Title IX of the Civil Rights Act. 20 U.S.C. § 1681.

Schools are placed in an impossible decision between compliance under Title IX or compliance with the proposed bill. This bill provides standing to a person harmed—directly or indirectly—by a school's violation of the proposed bill. If a school decides to abide by Federal law, Title IX, and allow a student to participate in the sport aligned with gender identity, the school is subject to liability for violating the bill. In the alternative, if a school places the student in co-ed or in their biologically designated team, the school may be subject to liability under Title IX. Under Title IX, the funding of the school will be threatened and result in funding being removed from schools which serve all students, not just transgender students. If compliance with the proposed bill results in the "stigmatized and isolated" feelings by a trans student, the bill would fail under heightened scrutiny. *Grimm v. Gloucester Cty. Sch. Bd.*, 972 F.3d 586, 617 (4th Cir. 2020).

¹ <https://www.apa.org/topics/lgbtq/mental-health-anti-transgender-legislation>

² <https://www.thetrevorproject.org/research-briefs/bullying-and-suicide-risk-among-lgbtq-youth/>



**TRANS LAW STUDENT
ASSOCIATION**

University of Baltimore, School of Law

This bill poses Constitutional concerns. It discriminates against nonbinary and trans students on the basis of sex by excluding them from participation in sports on the basis of status. Co-ed teams are not a satisfactory remedy because the team would not be able to participate in the same tournaments or games that another team would. (See, 1996 Office of Civil Rights: Guidance on Sports and Title IX, where equal opportunity for competition is required to be in compliance with Title IX). It would not provide an equal opportunity to trans students. Separation on the basis of sex is permissible under the Constitution if there is an activity of equal value, including the benefits provided. In a fact-sheet the Department of Education recognized that blanket bans on transgender athletes on the basis of sex does not satisfy constitutional requirements. According to the Department, Title IX's "nondiscrimination requirement serves to ensure that all students have equal opportunity to enjoy the benefits of team sports participation." The U.S. Department of Education recognized "participating in school athletics is an important component of education and provides valuable physical, social, academic and mental health benefits to students." Thus, legislation or school policies cannot categorically ban trans students from participating on sports teams consistent with their gender identity. The alternative co-ed option could not be satisfied because it would not be able to achieve the same benefits. Currently, there are no satisfactory competitive platforms for interscholastic co-ed sports that are recognized for scholarships and benefits to students. Students in co-ed teams would not be afforded the same opportunities that may result in full-rides to college and other benefits.

The Maryland State Department of Education has addressed this in an issued Guideline. The Department provided non-discrimination guidelines for physical education and athletics. It cautioned that "any single-sex classes or extracurricular activities must be consistent with Title IX and applicable regulations." It cautioned against any policies which require medical or legal documentation for participation. This poses a discrimination issue and opens a school up to potential violations under Family Education Rights and Privacy Act (FERPA). For a student to file a complaint under the proposed bill, evidence would require disclosing a transgender student's identity and status, compromising the trans student's privacy rights. Additionally, a student could only become aware of a violation under this statute by being made aware of the transgender status of a student. This raises concerns on the protection of student information under FERPA.

Recently, the Fourth Circuit recognized gender dysphoria as a disability under Americans with Disabilities Act (ADA). If a transgender or nonbinary student sought the accommodation to participate in a sport according to gender identity, the bill would place the school in a position of being liable under the ADA and Section 504 of the Rehabilitation Act. *Williams v. Kincaid*, 45 F.4th 759 (4th Cir. 2022). The ADA would require accommodations for a student experiencing Gender Dysphoria to allow for that student to participate in the activities consistent with their gender identity. This bill does not recognize the requirements of the ADA and, if passed, would open schools up to potential loss of federal funding, investigations by the OCR, and suit by



**TRANS LAW STUDENT
ASSOCIATION**

University of Baltimore, School of Law

private citizens. The burden of these potential consequences will ultimately be placed on Maryland taxpayers and already overburdened courts.

This bill is based on the flawed presumption that trans students may hold a biological advantage over non-trans students in sports. Since 2004, trans students have been participating in sports on the basis of gender identity. There have been no statistics showing categorical dominance of transgender students. Transgender students have been participating in the NCAA since 2011. For example, the ACLU noted that transgender women have been eligible for qualifications at the Olympics, but have not medaled in a women's event. Similar to *Grimm v. Gloucester Cty. Sch. Board*, this bill is "marked by misconception and prejudice" against trans athletes. Trans athletes are like all athletes. They do not automatically have a single body type that would render an automatic advantage in a sport. Not only is this bill riddled with legal implications, it is not supported by data.

We respectfully request the committee to kill the Fairness in Girls' Sports Act to protect our education institutions from legal liability under Title IX, the ADA, and FERPA. We ask the committee to recognize the human behind the transgender status and look towards statistical evidence that trans athletes deserve to participate in the sport aligned with their gender identity. TLSA writes this testimony with great grief as we recognize it is an attack on the existence of trans people in Maryland. This bill was written hastily and without concerns for legal implications or the health and wellbeing of the people it blatantly discriminates against. It poses a risk of defunding our Maryland schools and directly targets the lives of trans students. Thank you for your time in reading our testimony.

Thank you,

Trans Law Student Association

By: Julea Seliavski, Co-President

By: A Rand, Co-President

By: Cooper Tanbusch, Communications Officer

SB381_MSEA_Lamb_UNF.pdf

Uploaded by: Lauren Lamb

Position: UNF

UNFAVORABLE

Senate Bill 381

**Education – Interscholastic and Intramural Teams and Sports – Designation Based
on Biological Sex**

Senate Committee on Education, Energy, and the Environment

February 7, 2024

Lauren Lamb

Government Relations

The Maryland State Education Association opposes Senate Bill 381, which would, in practice, require certain school interscholastic and intramural athletic teams or sports to exclude some transgender students, prohibit adverse actions against a school or county board of education for maintaining separate interscholastic and intramural athletic teams and sports, and allow certain parties to bring civil action against schools, government entities, or athletic organizations based on noncompliance with provisions of this bill.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students for the careers and jobs of the future. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3-million-member National Education Association (NEA).

This bill would restrict students' eligibility to participate on certain school athletics teams based on a narrow characterization of biological sex. This would bar many transgender, intersex, and gender nonconforming students, whose gender identity may not align with their sex, from participating on the athletic teams that align with their gender identity, and thus would effectively exclude some students from school athletics altogether. Policies that function to exclude transgender students from school sports are plainly discriminatory and harmful to students. Transgender, non-binary, and gender nonconforming students are important members of our school communities and, like all students, deserve to be embraced, included, and treated with dignity.

It is well-documented that transgender and gender nonconforming youth face increased rates of depression and suicidal ideation compared to their cisgender



peers, and that they are more likely to experience harassment and social alienation at school.¹² The American Academy of Pediatrics firmly opposes legislation that would prevent transgender students' participation on athletic teams that align with their gender identity, calling such bills "dangerous" and advising that "playing on sports teams helps youth develop self-esteem, correlates positively with overall mental health, and appears to have a protective effect against suicide."³ We echo their condemnation of such policies, including those proposed in this bill. School policies play an undeniable role in students' wellbeing, and it is incumbent upon educators to develop and uphold research-based policies that affirm the dignity of all students.⁴

Proponents of this bill state that it intends to advance sex equality, but it would do the opposite: as the 2020 *Bostock v. Clayton County* decision affirms, anti-transgender discrimination *is* sex discrimination.⁵ Like all Maryland students, transgender and gender nonconforming students deserve dignity, opportunity, and access at school, including in athletics.

We strongly urge the committee to issue an Unfavorable Report on Senate Bill 381.

¹ American Academy of Pediatrics (2018). Mental Health of Transgender and Gender Nonconforming Youth Compared With Their Peers. Retrieved January 2024, from

<https://publications.aap.org/pediatrics/article/141/5/e20173845/37843/Mental-Health-of-Transgender-and-Gender>

² Morbidity and Mortality Weekly (2019). Transgender Identity and Experiences of Violence Victimization, Substance Use, Suicide Risk, and Sexual Risk Behaviors Among High School Students — 19 States and Large Urban School Districts. Retrieved January 2024, from <https://pubmed.ncbi.nlm.nih.gov/30677012/>

³ American Academy of Pediatrics (2021). American Academy of Pediatrics Speaks Out Against Bills Harming Transgender Youth. Retrieved January 2024, from <https://www.aap.org/en/news-room/news-releases/aap/2021/american-academy-of-pediatrics-speaks-out-against-bills-harming-transgender-youth/>

⁴ National Association of School Psychologists (2016). Gender Inclusive Schools: Policy, Law, and Practice. Retrieved on January 2024, from <https://www.nasponline.org/resources-and-publications/resources-and-podcasts/diversity-and-social-justice/lgbtq-youth/gender-inclusive-schools-faqs/gender-inclusive-schools-policy-law-and-practice>

⁵ National Archives Federal Register (2021). Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*. Retrieved January 2023, from <https://www.federalregister.gov/documents/2021/06/22/2021-13058/enforcement-of-title-ix-of-the-education-amendments-of-1972-with-respect-to-discrimination-based-on>

SB 381 Testimony to Education, Energy, and the Env

Uploaded by: Lauren Pruitt

Position: UNF



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Lauren Pruitt
Legal Director
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The Honorable Chair Brian J. Feldman
Education, Energy, and the Environment Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

February 7, 2024

Testimony of FreeState Justice
IN OPPOSITION TO

Senate Bill 381: Education – Interscholastic and Intramural Junior Varsity and Varsity
Teams – Designation Based on Sex (Fairness in Girls’ Sports Act)

To the Honorable Chair Brian J. Feldman, Vice Chair Cheryl C. Kagan, and esteemed
members of the Education, Energy, and the Environment Committee:

FreeState Justice is Maryland's lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA+) civil rights advocacy organization. Each year, we provide free legal services to hundreds of LGBTQIA+ Marylanders who would not otherwise be able to afford an attorney and advocate more broadly on behalf of the LGBTQIA+ community. As part of this work, we routinely represent and advocate on behalf of transgender youth in Maryland, who continue to face intense discrimination in and out of school.

We write today in opposition to Senate Bill 381 because it unfairly targets transgender girls, depriving them of the opportunity to participate in one of the most popular outlets for social support available to our youth. Despite claims of its proponents to the contrary, SB 381 is not based on legitimate research or credible scientific studies. Indeed, SB 381 is not designed to establish a level playing field for student-athletes but to bar transgender girls from participating at all.

FreeState Justice, Inc. (formerly FreeState Legal Project, Inc., merging with Equality Maryland) is a social justice organization that works through direct legal services, legislative and policy advocacy, and community engagement to enable Marylanders across the spectrum of lesbian, gay, bisexual, transgender, and queer identities to be free to live authentically, with safety and dignity, in all communities throughout our state.

This bill is drafted from Idaho's Fairness in Women's Sports Act, which had an injunction put against it for causing irreparable harm to both cis & trans women athletes. Kayden Hulquist, a cisgender soccer player, worried she'd have to undergo invasive medical exams to verify her sex when she played for Boise High School. Lindsay Hecox, a transgender woman, withdrew from Boise State University a week after unsuccessfully trying out for the women's cross-country team; this law disqualified her. These are the outcomes we can come to expect if this transphobic law is passed. The science of this bill is unsupported; a person's sex has less to do with their performance in sports than other biological factors.

Currently, there is no single policy in Maryland governing when and where transgender athletes may compete according to their gender identity. While this may sound like a problem to be solved, that is far from the case: instead, most schools follow the practice of major sporting organizations, which have adopted a sport-by-sport approach "that preserves the opportunity for transgender student-athletes while balancing fairness, inclusion, and safety for all who compete." These sport's governing bodies recognize that a one-size-fits-all ban on transgender athletes is inherently unfair and discriminatory, and they have instead worked to find a solution that is fair to everyone. SB 381 would ignore all their work over the past decades and instead impose precisely the sort of discriminatory ban these organizations have worked so hard to avoid.

While the individual rules of sports governing bodies vary, many look to factors such as the length of time that an athlete has been prescribed hormone replacement therapy or the level of sex hormones such as testosterone in their bodies. Variations of these policies have been in place in elite sports for almost 20 years. The participation of transgender girls has simply had no impact on elite sports, but prohibiting their participation will have a significant effect on the girls themselves.

SB 381 is not only manifestly unfair and in contravention of the current procedure among sports regulatory bodies; it also violates federal and state non-discrimination laws. Following the Supreme Court's decision in *Bostock v. Clayton County*, the United States Department of Education clarified that it interprets Title IX of the Educational Amendments Act of 1972 to prohibit discrimination on the basis of gender identity. There are also Maryland-specific laws preventing this form of discrimination due to the Fairness for All Marylanders Act of 2014. Enacting SB 381 would be an invitation for a lawsuit.

I ask this committee to consider just how crucial sports are to the lives of many youths, regardless of whether they are transgender or cisgender. School sports can be crucial to a student's feeling of belonging and social support during adolescence. Sports foster values of inclusivity, teamwork, and non-discrimination. They help youth find joy and pride in a safe environment where they know they will be supported by their teammates, coaches, and peers. By preventing transgender girls from competing in alignment with their gender identity, SB 381 directly prevents these positive benefits of sports participation.

For these reasons, FreeState Justice urges an unfavorable report on Senate Bill 381.

Lauren Pruitt,
Legal Director, Freestate Justice

Oppose SB 381 - Trans Maryland.pdf

Uploaded by: Lee Blinder

Position: UNF

TRANS MARYLAND



Trans Maryland
1800 E Northern Parkway #66332
Baltimore MD 21239

Senate Bill # 381 Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness In Girls' Sports Act)

Senate Education, Energy, and the Environment Committee

February 7, 2024

Position: Oppose

Trans Maryland is a multi-racial, multi-gender community power building organization for Maryland's trans community. First, we are deeply embarrassed to see elected Maryland legislators targeting young trans girls with this legislation. We'd first like to address comments to any young trans, or intersex girls who read this testimony. The actions of the adult legislators who have brought this bill to the legislature are born out of fear and bigotry. Trans Maryland wants you to know that transgender and cisgender adults alike find this legislation targeting you to be in bad faith, a misunderstanding of science and biology, and an openly bigoted act against young trans and intersex girls and women like yourself who just want to have fun by enjoying the many health and wellness benefits of playing youth sports.

Esteemed Chair Feldman, Vice Chair Kagen, and the Committee members, gender identity is a protected class, and has been since the passing of the Fairness for All Marylanders Act of 2014. This legislation SB 381, in addition to being out of compliance with the policies of the [MPSSA Transgender Person Guidance for Participation in Interscholastic Athletics](#) and the [MSDE Non-Discrimination Guidelines for Student Transitions](#), is a fundamental misunderstanding the concept of biological sex as a binary.

Biological sex is as a binary is a myth. The argument posited by the legislators who have brought forward this bill is that biological sex is determined at birth (by a visual inspection of the baby's external genitals by the medical provider in the room at the time), that biological sex is a binary, and that biological sex is static from birth till death. These outdated beliefs are based on a misunderstanding of scientific facts and realities.

A person who is intersex is "born with any manner of person born with any manner of supposed "ambiguity" in terms of gendered physical characteristics. This can include reproductive organs, genitals, hormones, chromosomes, or any combination thereof..." ([Trans Language Primer, 2022](#)). About 2% of the population is born intersex. Endosex refers to people who are not intersex. About 0.5% of Maryland's population is transgender. The expectation that people fit into binary categories that do not align with longtime understandings of biology creates the fallacies that: 1. We all know our biological sex from birth and 2. That biological sex imparts a permanent benefit to participation in sports that is unique and distinct from the ways in which cisgender endosex elite athletes benefit from biological benefits.

Taking the example of Michael Phelps, a cisgender endosex male athlete and 23 time gold medalist, who was born with the ability for his body to produce half the lactic acid than the bodies of his competitors in addition to that of a typical athlete. Less lactic acid provides a significantly faster recovery time, and is a key factor in his dominance of his sport. And yet no

For more information, contact Lee Blinder, Executive Director of Trans Maryland at lee@transmaryland.org

TRANS MARYLAND



Trans Maryland
1800 E Northern Parkway #66332
Baltimore MD 21239

legislators have targeted him or others who produce less lactic acid than their competitors, despite him being born into a body that unfairly benefits his athletic prowess and permits dominance of his sport. We do not care about the biological fairness of men's sports. The lens of biological fairness is only applied towards girls' and women's sports by those who fundamentally do not understand biology.

Targeting transgender girls in sports is done with a misunderstanding of science via documented colonialist policing of the gender binary through white supremacist ideals rooted in eugenics. Via the scholarship of Dr. Kyla Schuller, we understand the 19th century focus on the discernable differences between a binary set of sexes was focused around the concept that there were large differences between white men and women, and that People of Color had less of a difference between the binary sexes due to a "lack of civilization". [The white colonial theories of the time supposed that high distinctions between the sexes was endemic to white people only and People of Color were less separate sexes that could become more civilized through adherence to white colonization and homemaking/hyper masculinity.](#) The eugenicist movement in the early 20th century sought to eliminate "undesirables," which included People of Color, Jews, neurodivergent people, and more.

That foundation of racist eugenics policies establishes a baseline trajectory towards legislation such as SB 381 that seeks to codify biases against the involvement of transgender and intersex girls in sports. The reality is that transgender and intersex people have always existed in cultures all over the world. The focus of this bill - to define girl and womanhood is done like all efforts to define girl and womanhood: through a racialized gender policing of Black and Brown women out of womanhood. This bill is functionally not only targeting young trans girls, but specifically Black and Brown trans and intersex girls.

There is no need to open up our school systems to the malicious intent of this bill to hamper the ability of trans and intersex girls to participate fully in school life through threats of never-ending lawsuits seeking to eliminate their involvement in sports by inviting and encouraging civil cases. The benefits of sports and participation in team sports is one that should not be unequally conferred to only cisgender endosex young people. The beauty of competition and participation in that competition has a long history of being limited by those requesting to ensconce their own biases, and codify their bigotry. It is particularly shameful when adults attempt to perpetrate this on our youth.

This legislation would open the door to requiring all young people playing girls sports to submit to invasive, dehumanizing, and traumatic medical examinations that people like those backing this bill intend to create a standard for. The reality is that such exams create opportunities for the gender "police" to accuse cisgender girls of not being a girl, and thus creating a situation where gender policing will pit students and families against one another. Instead we can uplift the ability for all students who are girls to participate, and for transgender and intersex girls to enjoy the opportunity to play sports alongside their cisgender and endosex fellow students.

For these reasons **we urge an unfavorable report on this Bill SB 381.**

For more information, contact Lee Blinder, Executive Director of Trans Maryland at lee@transmaryland.org

2-7 Unfav SB 381 Education - Interscholastic and I

Uploaded by: Lois Hybl

Position: UNF



TESTIMONY TO THE SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

SB 381 Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness In Girls' Sports Act)

POSITION: Oppose

BY: Linda T. Kohn, President

Date: February 7, 2024

The League of Women Voters of Maryland (LWVMD) is a nonpartisan organization that works to influence public policy through education and advocacy. At the 2020 LWVUS Convention, delegates voted to amend the LWVUS bylaws to include the League's commitment to its [Diversity, Equity, and Inclusion \(DEI\) Policy](#) in Article II as one of the foundational policies of the organization alongside the Political Policy (also referred to as the [Nonpartisan Policy](#)). In addition, the League of Women Voters of the United States joined an [amicus brief](#) challenging an Idaho law that would bar all women and girls who are transgender and some intersex women and girls, from participating on school sports teams consistent with their gender identity.

LWVMD opposes **SB 381 Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness In Girls' Sports Act)** because it requires that men's or women's sports teams be based only on biological sex. This discriminates against transgender students, depriving them of the benefits of participating in sports. As stated in the [amicus brief](#) (p. 6), "Sports participation enhances women and girls' physical health and emotional and psychological well-being, improves their educational prospects, and expands their social networks. These benefits are especially important for girls who are transgender and intersex—who are at heightened risk for feelings of isolation, discrimination, harassment and low self-esteem—and they should not be excluded from these critical opportunities."

Also, Title IX's prohibition on sex discrimination applies to discrimination against transgender students. The Departments of Justice and Education have made it clear that Title IX's prohibition on sex discrimination applies to discrimination against transgender students. In June 2021, the departments released a factsheet on [Confronting Anti-LGBTQI+ Harassment in Schools](#). The factsheet provides examples of illegal discrimination against transgender students, including prohibiting them from participating in sex-segregated activities that align with their gender identity, and instructs families on how to file complaints. They also filed a [brief](#) in support of transgender students who filed a lawsuit challenging a West Virginia state law that bans transgender girls from playing on girls' sports teams. They argued that the West Virginia law not only violates Title IX, but is unconstitutional because it violates the Equal Protection Clause of the Fourteenth Amendment.

Passing SB 381 would force Maryland schools to choose between violating Maryland law and violating Title IX. Please give an unfavorable report to SB 381.

SB0381 Education - Interscholastic and Intramural

Uploaded by: Mara Babb

Position: UNF



SB0381 Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness In Girls' Sports Act)

Thursday, February 1, 2024

EDUCATION, ENERGY, & THE ENVIRONMENT

OPPOSE

Our names are Mara Babb, Subhashi Pradhan, Noor Chaudhry, and Julien Halleman, and we are students of Anne Arundel County and executive board members of the Chesapeake Regional Association of Student Councils (CRASC). We are writing in opposition to SB381 Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness In Girls' Sports Act). If passed, this bill mandates that interscholastic or intramural athletic teams sponsored by public or nonpublic high schools must be explicitly categorized by biological sex as either male, female, or coeducational, thereby preventing individuals identifying as female from joining male teams and vice versa.

The proposal set forth by SB381 bears the weight of division rather than the promise of fairness. By mandating the strict segregation of sports teams based on biological sex, SB381 reinforces the false premise that women are inherently inferior to men in athletic competition. This ignorant belief not only undermines the accomplishments and potential of female athletes but also serves to limit their opportunities for growth and advancement in the sporting world. Additionally, this inhibits male athletes in sports like gymnastics, where nearly half of the nationally ranked participants are men, despite the sport being predominantly broadcasted with a focus on female competitors. Instilling such ideologies during the formative years of students proves detrimental to both young women and men alike. It leads female students to believe that they are less capable than males, fostering feelings of inadequacy. Simultaneously, it ingrains in male students a tendency to undermine their female peers, perpetuating harmful gender biases that extend beyond the realm of athletics and into various aspects of life including academics and professional pursuits, hindering societal progress towards true gender equality.

Furthermore, this bill especially targets transgender students. Despite recent progress in Maryland schools towards creating inclusive environments that celebrate students' identities, such as the implementation of gender-neutral facilities in Anne Arundel County Public Schools (AACPS), this bill threatens to reverse this progress through supporting outdated and exclusionary practices that will isolate and marginalize transgender youth. By drawing stark lines based solely on biology, SB381 highlights a binary view of gender that fails to acknowledge the nuanced realities of human identity. As advocates for inclusivity and equality, it is essential to oppose this bill and instead support policies that promote acceptance, respect, and equal opportunities for all students in athletics and beyond—regardless of gender identity.

The CRASC Legislative Department refers back to the following relevant clauses of the CRASC Platform:

- *CRASC Opposes*... Discrimination of any form based on race, sex, age, national origin, ethnicity, religion, disability, sexual orientation, gender identity, or socioeconomic status; (Plank X, Clause A)
- *CRASC Supports*...Promotion of a safe and inclusive school environment; (Plank V, Clause D)

Accordingly, CRASC respectfully requests a **UNFAVORABLE** committee report on SB381.

Respectfully Submitted,

Mara Babb, Secretary of Legislation, babbmara@gmail.com

Noor Chaudhry, Legislative Liaison, noorschaudhry@gmail.com

Julien Halleman, Legislative Liaison, julienh123@icloud.com

Subhashi Pradhan, Legislative Liaison, subhashi_pradhan@hotmail.com

SB381_TRAC_UNF_2.7.24.pdf

Uploaded by: Maya Holliday

Position: UNF



Senate Bill 381
Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex
February 7, 2024
Unfavorable

Dear Chair Feldman, Vice Chair Kagan, and the members of the Senate Education, Energy, and the Environment Committee,

The Trans Rights Advocacy Coalition (TRAC) is submitting this testimony in strong opposition to SB381, which would bar young athletes from participating in sports for no reason other than transphobia, sexism, and hatred.

TRAC is a Maryland-based and entirely trans-led coalition committed to ensuring that all transgender and gender expansive Marylanders can live safe and affirming lives. Our membership includes healthcare providers, attorneys, academics, organizers and other community members who all stand in strong opposition to any attempt to bar trans students from participating in sports.

In addition to [being illegal](#) under Title IX and the Equal Protection Clause, trans athlete bans have zero basis in any sort of scientific fact. There is [no evidence](#) that trans athletes have an effect on the fairness or competitiveness of sports in the many years that they have played alongside their cisgender peers. Transgender athletes vary in ability, just like all other young people. Various medical and sports organizations, including the American Academy of Pediatrics and the International Olympic Committee, have affirmed that transgender girls should be allowed to participate in teams consistent with their gender identity.

This bill would affect a small number of transgender student athletes in Maryland – however, the effect on that group of students would be devastating. Trans students already face a [concerning level of harassment and discrimination at school](#). Further ostracizing them from their peers by barring them from playing sports would have untold consequences for an already vulnerable group.

It is [well known](#) that participation in sports gives young people confidence, strengthens their friendships, teaches them valuable skills like leadership and teamwork, and helps them maintain good physical health. Keeping a group of students from experiencing those benefits for no reason other than bigotry is unconscionable.

For all these reasons and many more, the Trans Rights Advocacy Coalition is in strong opposition to SB381. We respectfully urge the committee to return an unfavorable report on the bill.

Sincerely,
The Trans Rights Advocacy Coalition

MEnglish Senate Bill 381.pdf

Uploaded by: Michael English

Position: UNF

Senate Bill 381
Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation
Based on Sex
February 7, 2024
Oppose

Dear Chair Feldman, Vice Chair Kagan, and members of the Senate Education, Energy, and the Environment Committee,

My name is Michael English. I am a resident of District 20, and I am submitting this testimony in opposition to SB381.

Without getting too many details about a story that is not mine to tell, someone very important to me is trans, and as I've paid more and more attention to issues on the subject, I've seen time and time again that laws like this are bad faith efforts to get the foot in the door to restrict more and more rights for trans people. They won't stop here, and it is not their plan to, leaving alone the fact that even on it's own merits, this bill is harmful and will lead to the othering and misgendering of children.

I condemn this legislation in the strongest possible terms, and **I respectfully urge this committee to return an unfavorable report on SB381.**

Thank you,

Mike English
8005 13th Street
Unit 304
Silver Spring, MD
20910

2024 WLCM SB 381 Senate Side.pdf

Uploaded by: Michael Paddy

Position: UNF

Committee: Education, Energy, and Environment Committee

Bill number: SB 381 - Education – Interscholastic and Intramural Junior Varsity and Varsity Teams and Sports – Designation Based on Sex (Save Women’s Sports Act)

Hearing Date: February 7, 2024

Position: Oppose

The Women’s Law Center of Maryland strongly opposes *SB 381 - Education – Interscholastic and Intramural Junior Varsity and Varsity Teams and Sports – Designation Based on Sex (Save Women’s Sports Act)*. The bill requires public and private high schools to maintain single-sex sports teams, defines sex as biological, and creates a private right of action for students “deprived of an athletic opportunity” because of a violation of the law.

This bill is not about fairness in sports. It is about perpetuating a history of discrimination against transgender and nonbinary students. If enacted, the bill would violate Title IX of the Education Amendments of 1972. The U.S. Department of Education recently affirmed that Title IX’s prohibits discrimination against transgender students in any educational program or activity offered by a school that receives federal financial assistance.ⁱ

Nearly 1 in 5 transgender or nonbinary students has contemplated suicide with the past year, according to a recent survey the Trevor Project.ⁱⁱ This figure shows that we must oppose measures such as HB 47 and continue to work towards more supportive environments in our schools for transgender and nonbinary youth.

As providers of gender-affirming care, we stand with our clients and ask for an unfavorable vote. If we can provide any further information, please contact Michael Paddy at mpaddy@policypartners.net.

ⁱ <https://www2.ed.gov/about/offices/list/ocr/docs/202106-titleix-noi.pdf>

ⁱⁱ https://www.thetrevorproject.org/survey-2022/assets/static/trevor01_2022survey_final.pdf

SB 0381 Testimony.pdf

Uploaded by: Miriam Snare

Position: UNF

SB 0381: Fairness In Girls' Sports Act

Education, Energy, and the Environment Committee

Hearing: Wednesday, February 7, 2024

Members of the Education, Energy, and the Environment Committee:

As a parent and teacher, I strongly urge you to oppose SB 0381 due to its lack of clarity on what determines a student's biological sex to be female or male. Who will determine which students are female enough to play on a girls' sports team and by what metrics?

Does every athlete have to present their birth certificate at every game to prove they were assigned female at birth? In common everyday practice, the sex that is assigned to a baby is determined by a doctor or midwife at time of birth by quick visual inspection of the external genitalia. However, in cases of intersex individuals or other genital abnormalities, that determination is definitely not objective. In some individuals, the external reproductive structures do not match the internal reproductive organs and/or the person's chromosomes. That means that by the time an individual goes through puberty, their sex assigned at birth may no longer align with the hormones produced in their body.

The proponents of this bill argued that individuals who are going through or have gone through male puberty pose a danger to female players due to their size, strength, etc. If "biologically female" means a person assigned female at birth, then this act will allow transgender boys who are taking male hormones and are going through male puberty to play on girls' sports teams. Therefore, this bill is merely attempting to discriminate against trans girls, without any acknowledgement that trans boys even exist. I ask that legislators familiarize themselves with the full range of gender-affirming medical care for all genders and give this SB 0381 an UNFAVORABLE report at this time.

Sincerely,
Miriam Snare
Nottingham, MD

OPPOSITION TO ANTI TRANS SPORTS BILL.pdf

Uploaded by: Nicole Hollywood

Position: UNF



LEGISLATIVE TESTIMONY

Bill: SB231 **Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness In Girls' Sports Act)**

Organization: PFLAG Salisbury Inc., PO Box 5107, Salisbury Maryland 21802

Submitted by: Nicole Hollywood, Board Member

Position: **OPPOSE**

SALISBURY PFLAG STRONGLY OPPOSES DISCRIMINATION IN SPORTS

Greetings. My name is Nicole Hollywood. I am a professor in the University System of Maryland, a member of the Maryland Commission for LGBTQIA+ Affairs, a board member of PFLAG Salisbury, a resident of the Eastern Shore, and a parent. I am submitting this testimony OPPOSING SB 231 on behalf of PFLAG Salisbury, the Salisbury, Maryland Chapter of PFLAG National.

SB381 is a misguided bill rooted in transphobia that is simply not backed by the scientific research. If this bill passes it will be a form of state-censored intolerance and all the legislators who support this bill will be on the wrong side of history and forever mired in the bog of bigotry. Bills such as these are being used as a way to discriminate against transgender Americans opening the door to the humiliating treatment of any, and all, youth who don't fit culturally-accepted gender norms.

Simply put, SB381 is discriminatory, not rooted in science, runs contrary to the purpose of youth sports, and is publicly opposed by all our nation's most renowned medical, psychological, and child development professional organizations including the American Academy of Pediatrics and the American Psychological Association. Further, this bill goes directly against the guidance of the Maryland Public Secondary Schools Athletic Association (MPSSAA) whose policy states - "participation should provide for the opportunity for all students to participate in interscholastic athletics in a manner that is consistent with their gender identity, irrespective of the gender listed on a student's academic record."

According to COMAR 13A.01.04.03 "All students in Maryland's public schools without exception have a right to educational environments that are safe, appropriate for academic achievement, and free from ANY form of harassment."

In 2014, the State of Maryland prohibited discrimination based on gender identity and expression with regard to public accommodations, housing, and employment in the Fairness for All Marylanders Act of 2014.

SB381 encourages adults, children, and parents to ostracize, isolate, and discriminate against trans and gender non-conforming youth and provides protections for individuals who report and draw attention to suspected TGNC youth as well as opportunities for individuals who feel "harmed" by the presence of TGNC youth to seek civil action.

The attention and debate caused by bills such as SB381 is shown to have a deleterious affect on LGBTQIA+ youth. According to Free State Justice -"This onslaught of anti-trans legislation can bring on feelings of ennui or weltanschmerz that reality will never reach an individual's expectations of the life they want and deserve." According to the ACLU, "there is no one way for women's bodies to be. Women, including women who are transgender, intersex, or disabled, have a range of different physical characteristics. A person's sex is made up of multiple biological characteristics and they may not all align as typically male or female in a given person. Further, many people who are not trans can have hormones levels outside of the range considered typical of a cis person of their assigned sex."

Gender is a spectrum and not all individuals identify or present as male or female. Transgender people are our beloved friends and family, co-workers, neighbors, students, community members, children, and parents. Being transgender is not the whole of anyone's identity because gender identity is just one small piece of who one is as an individual.

Transgender athletes participate in sports for the same reasons as everyone else—to get and stay healthy, be part of a team, and build a sense of belonging with their peers. Many who oppose the inclusion of trans athletes erroneously claim that allowing trans athletes to compete will harm cisgender women but excluding transgender and gender non-conforming students hurts all students. Accordingly, PFLAG Salisbury Inc. strongly opposes this legislation and recommends an UNFAVORABLE report in committee.

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Uploaded by: Rhea Harris

Position: UNF

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February 5, 2024

TO: The Honorable Brian J. Feldman
Chair, Education, Energy, and Environment Committee

FROM: Rhea L. Harris
Deputy Chief, Legislative Affairs, Office of the Attorney General

RE: SB381- Education - Interscholastic and Intramural Junior Varsity and Varsity
Teams - Designation Based on Sex (Fairness in Girls' Sports Act)- **OPPOSE**

The Maryland Office of the Attorney General **OPPOSES Senate Bill 381.**

Senate Bill 381 requires interscholastic and intramural junior varsity and varsity athletic teams or sports sponsored by schools to be expressly designated based on biological sex. It also prohibits entities from taking adverse actions against a school for maintaining separate interscholastic and intramural junior varsity and varsity athletic teams and sports for students of the female sex. It provides that individuals have the right to bring a civil action.

The Maryland Office of the Attorney General opposes **SB381** because of its impact on transgender students, it may be contrary to Title IX and Equal Protection, thus barred by the Supremacy Clause. The Department of Education has issued a notice of interpretation¹ followed

¹ <https://www.ed.gov/news/press-releases/us-department-education-confirms-title-ix-protects-students-discrimination-based-sexual-orientation-and-gender-identity>

by a notice of rulemaking that would prohibit discrimination against trans students precisely as described in this statute.²

In addition, the Civil Rights Division of the Department of Justice has joined the Department of Education and has filed a brief in a case in West Virginia asserting that Title IX and the Equal Protection Clause requires schools to permit students to participate in sports consistent with their gender identity.³ The Ninth Circuit upheld a preliminary injunction barring enforcement of a similar Idaho law on Equal Protection grounds. *Hecox v. Little*, 79 F.4th 1009 (9th Cir. 2023).

The Maryland Public Secondary Schools Athletic Association (MPSSAA) has had a transgender student policy for participation in interscholastic athletics since 2012. It has worked effectively to ensure fair competition and allowing students to participate on the athletic team of the gender they identify with. A categorical ban on transgender students from participating in athletics consistent with their gender identity across all sports, age groups, and levels of competition fail to account for differences among students across grade and education levels. They also fail to account for different levels of competition—including no-cut teams that let all students participate—and different types of sports. MPSSAA and MSDE expect that **SB381** does not increase fairness in competition. There is no evidence that including the small number of transgender students, particularly transgender girls, has altered competitive fairness in competition or caused cisgender girls to be excluded from spots on teams. But evidence is abundant that the ban harms the mental health of vulnerable students who connect to their schools and community through athletic competition. Categorically preventing participation of students on sports teams of the gender they identify adversely impacts a key component of public education to include students without regard to their identify and will have lasting impacts on the students.

SB381 likely violates federal and State non-discrimination laws and would likely not survive heightened scrutiny under the Equal Protection Clause.⁴ It would also run afoul of the U.S. Department of Education’s proposed Title IX regulation, which will require schools to account for differences among students across grade and education levels as well as the different levels of competition and different types of sports. Recent federal guidance explains the tailoring that would be expected:

For the forgoing reasons, the Maryland Office of the Attorney General requests an **UNFAVORABLE** vote on **Senate Bill 381**.

cc: Senator Mary Beth Carozza
Committee Members

² <https://www.govinfo.gov/content/pkg/FR-2023-04-13/pdf/2023-07601.pdf#page=32>

³ https://www.justice.gov/d9/case-documents/attachments/2021/06/22/2021.6.17_west_virginia_soi.pdf

⁴ See *Hecox v. Little*, 79 F.4th 1009, 1028 (9th Cir. 2023) (granting injunction to prevent enforcement of a similar law that would categorically ban transgender women and girls from all female athletic teams).

SB381 - Oppose.pdf

Uploaded by: Riya Gupta

Position: UNF



**Testimony in OPPOSITION of
Senate Bill 381: Interscholastic and Intramural Junior Varsity and Varsity Teams -
Designation Based on Sex (Fairness In Girls' Sports Act)**

Education, Energy, and the Environment Committee

Position: Unfavorable

February 7, 2024

Strong Schools Maryland is a network of education advocates dedicated to ensuring the full funding and faithful implementation of the Blueprint for Maryland's Future so every student in our state is equipped to thrive upon graduation. Strong Schools Maryland urges an **unfavorable vote on Senate Bill 381**, which if enacted, would legitimize hateful, transphobic, sexist policies and practices in public schools by embedding sex-based discrimination in sports programs.

The Blueprint for Maryland's Future simply does not envision a transphobic system of public schools in the state. In fact, the oppressive hatred, bullying, and violence that would come about as a direct response to the passage of this bill would threaten any hope Marylanders have ever had about our schools being deemed "World-Class", in any sense of the word. The bill displays a dangerous obsession with the developing, pubescent bodies of children and should be rejected by the entire General Assembly.

Senate Bill 381:

- Fails to define the problem that it aims to solve as there is no substantial evidence to suggest that current policies of gender inclusion in sports are causing problems;
- Advances a tried and failed, "separate but equal" narrative around participation in and designation of school-based student extracurricular activities;
- Forces schools to develop student athletic teams on the basis of sex, then prohibits government entities from receiving complaints about discrimination arising from this requirement; seeks to force children into an either-or binary that is inconsistent with the experiences of ever-increasing numbers of students across the state; and
- Protects students and schools that discriminate against student participation on the athletic team of their choosing from retaliation or civil action; thereby codifying the legal ability to discriminate against anyone who violates this arbitrary, flawed rule about athletic participation.

There is no imminent threat to women’s sports, but the passage of this bill would contribute to active threats to the lives of transgender and gender-nonconforming Marylanders, especially to the physical and emotional safety of children. The American Medical Association specializing in pediatrics published an article in 2022 stating that **anti-transgender legislation is a public health concern for youth**; transgender youth are more likely to feel unsafe, experience bullying, and be injured by a weapon in schools.¹ Nationally, 80% transgender students have said they avoided bathrooms at school, 70% avoid school locker rooms, and 60% avoid participating in physical education classes, all due to safety concerns.² If we care about “saving sports” or “fair play,” Maryland ought to pursue athletic policies that are inclusive of trans students, which can have major benefits for transgender students and enrich the experiences of cisgender students.

Strong Schools Maryland works to build power with directly impacted Marylanders—including a diverse range of parents in every corner of the state—to ensure we can collectively shape the world-class system of education we’re stringing for. Senate Bill 381 will only hold us back as we continue this future-focused work of creating World-Class schools for all students.

For these reasons, we strongly urge an unfavorable report on Senate Bill 381.

For more information, contact Riya Gupta at riya@strongschoolsmaryland.org

¹Barbee H, Deal C, Gonzales G. Anti-Transgender Legislation—A Public Health Concern for Transgender Youth. JAMA Pediatr. 2022 Feb 1;176(2):125–126. doi: 10.1001/jamapediatrics.2021.4483. PMID: 34747979; PMCID: PMC10204642.

²[The Importance of Sports Participation for Transgender Youth](#)

SB381_ HB47.pdf

Uploaded by: Riya Seth

Position: UNF

Senate Bill 381
Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation
Based on Sex
February 7, 2024
Oppose

Chair Feldman, Vice Chair Kagan, and esteemed members of the Senate Education, Energy, and the Environment Committee,

I, Riya Seth, a resident of District 5, write to express my firm opposition to SB 381. As a female athlete who has competed against both males and females throughout the past decade, I believe my unique perspective sheds light on the misguided nature of this legislation.

Having participated in wrestling on a boys' team during my middle and high school years, I have firsthand experience of the biological differences between genders. However, I must emphasize that the prevalent fear-mongering and transphobia surrounding this issue are not only unjustified but also counterproductive.

First and foremost, the number of transgender women actively participating in sports is minuscule. Throughout my years of wrestling, I never once encountered a transgender female athlete. Moreover, before puberty, the physiological disparities between boys and girls are negligible. The disproportionate fear of trans athletes dominating female sports is unwarranted and unjust.

Additionally, the exclusion of transgender athletes perpetuates discrimination against LGBT children, who are already vulnerable to mental health challenges and suicidal ideation. Instead of fostering an inclusive environment, this legislation exacerbates the marginalization of an already marginalized community.

It is crucial to recognize that this harmful act of exclusion does not benefit girls' sports in any meaningful way. As an advocate for women in sports, I have dedicated considerable effort to addressing genuine concerns such as sexual harassment protections and resource allocation for female athletes, particularly in male-dominated sports. I have been actively involved in Title IX protections and have even testified in Congress on these matters. These are the areas where genuine protection and support are urgently needed.

It is regrettable that amidst genuine issues facing female athletes, the focus remains disproportionately fixated on transphobia. This selective emphasis appears to be driven by ulterior motives, primarily to stoke culture wars and gain political mileage. Instead, let us

prioritize inclusivity, fairness, and genuine protection for all athletes, irrespective of their gender identity. Thank you for considering my testimony.

I respectfully urge this committee to return an unfavorable report on SB381.

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Uploaded by: Rudy Yukich

Position: UNF

Dinah Yukich, Testimony in opposition to Maryland General Assembly Bill SB0381

Dear Maryland General Assembly committee members and members of the public, I am mother to two young girls in Howard County—they are both late elementary students. They are avidly active in sports as well as academics—gymnastics, fencing, skiing, and indoor climbing to name a few. To the degree that it matters, they are both cis-gendered. My oldest is a 5th grader, and the reason I am not here to testify in person is because I am at a parent-teacher conference today. Having involved and supportive parents and family is a blessing and a privilege—one that is not always available. For those of you who are or have been involved parents, the medieval conception of the pelican, portrayed as feeding her children with her own life-blood, may resonate with you. It does for me. My role as a parent requires sacrifice and care, giving, late nights, early mornings, and skipping career opportunities. One thing that it does not require is control—rather it requires accepting the loss of control. Your children are not your children, they are the sons and daughters of Life’s longing for itself. You can give them your love but not your thoughts, for they have their own thoughts.¹

In preparing this testimony I thought it was important to talk with my children about how they felt about trans-girls on their sports teams. Youth sports are played by the youth, not by adults who support them. They are a justified use of tax revenue according to the National Federation of State High School Associations (NFHS) because school activities, including sports, are “where young people learn life-long lessons that complement the academic lessons taught in the classroom.” Sports promote “team-work, fair play, and hard work” and “enhancing students school engagement and sense of belonging.”² Engagement and belonging come from being listened to—our children have thoughts of their own.

Nina, my oldest, told me that trans-girls need to be allowed to participate in girls’ sports because sports are about making friends and building community. To not allow them access to girls’ sports denies them access to an important community of girls. She is not concerned about potential physical differences, because sports are not just for winning, they are about being able to be your best self. This attitude echoes the position held by Girls Scouts: “if the child is recognized by the family and school/community as a girl and lives culturally as a girl, then Girl Scouts is an organization that can serve her in a setting that is both emotionally and physically safe.”³ We live in a world that can and does address safety and privacy separately from eligibility to participate. Sports require safety equipment and evaluate safety/risk of injury—requirements vary across age groups, weight groups, and sport specific risk among other things; privacy is something everyone benefits from.

Supporters of this discriminatory ban attempt to have things both ways — they ask for protection from discrimination by discriminating against another disadvantaged group. Specifically, they leverage the exception under Title IX that allows for the existence of single sex

¹ From Kahlili Gibran, “On Children” in *The Prophet* (Knopf, 1923)

² From: National Federation of State High School Associations, *The Case for High School Activities*, <https://www.nfhs.org/articles/the-case-for-high-school-activities/> retrieved: 2/6/2024

³ Girl Scouts, *Social Issues FAQ*, <https://www.girlscouts.org/en/footer/faq/social-issues-faq.html> retrieved: 2/6/2024

Dinah Yukich, Testimony in opposition to Maryland General Assembly Bill SB0381

sports programs in conjunction with classifying transwomen as men by appealing to a definition of sex as chromosomally fixed at birth (despite research and facts showing sex is not so easily defined)⁴ as grounds to exclude trans-girls and women from those single sex teams. Yet they take this clearly discriminatory action without examining the fundamental principle of Title IX of providing equal opportunity in sports. A “simple” remedy of allow mixed gender teams or gender diverse teams is an insufficient remedy because it singles out and places transgender students into situations where there are few to no established programs and insufficient gender diverse students competing in this capacity. In my daughter’s words: this ban would deny gender diverse students the community and friends: the reason why we support school sports.

Moreover, it is a vacuous argument that allowing participation of trans-girls and women in the higher levels of school-based sports would disadvantage those women who later pursue sports at elite levels such as through the Olympic sports programs or professional sports. The International Olympic Committee position on transgender athlete participation in sports as published in the “IOC Framework on Fairness, Inclusion, and Non-Discrimination on the Basis of Gender Identity and Sex Variations”⁵ lists as its 5th principle that there should be no presumption of advantage due to “their sex variations, physical appearance and/or transgender status.” In essence this leaves the participation of trans-women in elite levels of competition up to the governing body of individual sports, each of which have developed their own guidance.⁶ This ban would disrupt the community and friends my daughter wishes to see.

I would like to close with a short personal story acknowledging the importance of Title IX and Title VII of the Civil Rights Act as incredibly important tools to fight discrimination and the stark discrimination transgender people have faced. I was a student athlete in high school—I was captain of my high school fencing club which I helped to revive from dormancy. When I entered college at the Johns Hopkins University, in the fall of 2000, I attempted to join the men’s fencing team—at the time I was considered male. At the team sign up and information session, two students stayed after to talk with coach Richard Oles, widely regarded as a fantastic coach. The other student, an Orthodox Jew, talked to Mr. Oles before me—his concern was that even though he would not be on the Varsity squad immediately as a new fencer, as an Orthodox Jew he would be unable to help set up for meets when they overlapped with shabbat services, he would be willing to ‘bend’ the rules a bit, but needed at least some

⁴ See for example, C. Ainsworth, *Sex redefined*, Nature. 2015 Feb 19; 518(7539):288-19, summarized in popular press publications (Scientific American, *Sex Redefined: The Idea of 2 Sexes is Overly Simplistic*, <https://www.scientificamerican.com/article/sex-redefined-the-idea-of-2-sexes-is-overly-simplistic1/> retrieved 2/6/2024) also Oberlin, D. J., *Sex differences and athletic performance. Where do trans individuals fit into sports and athletics based on current research?*, Frontiers in Sports and Active Living, 27 October 2023. Retrieved from: <https://www.frontiersin.org/article/10.3389/fspor.2023.1224476/full> on 2/6/2024

⁵ International Olympic Committee, *IOC Framework on Fairness, Inclusion and Non-Discrimination on the Basis of Gender Identity and Sex Variations*, <https://stillmed.olympics.com/media/Documents/Beyond-the-Games/Human-Rights/IOC-Framework-Fairness-Inclusion-Non-discrimination-2021.pdf> retrieved on 2/6/2024

⁶ See summary list at Transathlete: <https://www.transathlete.com/international-federations> retrieved on 2/6/2024

Dinah Yukich, Testimony in opposition to Maryland General Assembly Bill SB0381

religious accommodation. He was told that he was either in or out, and if he was in, he needed to commit to all requirements for the JV squad—including setup on Saturdays.

My question was even easier. I had long hair—my sole concession to stereotypical femininity. No fencing rule at the time at National, International, or Collegiate levels required short hair, simply that hair be managed to not interfere with the target area. However, Mr. Oles forbade long hair on the team. Due to my extensive experience as a fencer, he offered a “compromise,” I would be allowed one week to cut my hair because he did not accept girly men on his team.

Both of these incidents are illustrative of prohibited discriminatory practices. I did not file a complaint and I’m very certain that the other student did not either. Neither of us felt safe to do so. That same year, notably while Dr. Paul McHugh, the well-known academic who testified in committee supporting HB 047 was still head Psychiatrist at Johns Hopkins Hospital, I would take Abnormal Psychology, a fantastic course taught by Dr. Noonberg, and study the DSM-IV diagnostic criteria for what was then termed Gender Identity Disorder along with other diagnoses and features such as “transvestic fetishism” and “autogynephilia.”⁷ As I went through the coursework, literature, and research, Dr. McHugh’s name and association with the University came up again and again, such as his 1995 article in *Nature Medicine*⁸ 1(2):110-4, titled “Witches, multiple personalities, and other psychiatric artifacts.” In the title and content of his article he pathologizes and dehumanizes transgender individuals, going so far as to equate the complicated gatekeeping of gender affirming surgery to a take-away sentence: “...psychiatrists do not understand what is the problem here but hope surgery may do the poor wretch some good.” As a young, closeted, transwoman, reading words like these and others from the academic community I was studying to join were harmful and discriminatory. To hear him and others attempt to claim that discrimination against transwomen in sports will do no harm furthers the same ignorance and harm caused by the dehumanizing and pathologizing of the complexity of human sexuality and gender.

It is this world of discrimination and pain that we need to work to eliminate. I would see Maryland support our students—all of them—to live their best selves. Where we lift all disadvantaged groups and strive for a more perfect union. This means listening to the voices of our children. This means not dehumanizing or othering people we don’t understand.

With this, I strongly encourage an unfavorable report on the pending bill, and to those who titled the bill the “Fairness in Girls’ Sports Act,” I will say simply, you keep using that word, I do not think it means what you think it means.⁹

Sincerely, Dinah Yukich (Legal name: Rudy Yukich, She/Her)

⁷ See Nuttbrock, Larry, et al. “A Further Assessment of Blanchard’s Typology of Homosexual Versus Non-Homosexual or Autogynephilic Gender Dysphoria” *Arch Sex Behav*. 2011 Apr: 40(2): 247-257 available from PubMed Central: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2894986/> retrieved on 2/6/2024

⁸ McHugh, Paul R., “Witches, multiple personalities, and other psychiatric artifacts” *Nature Medicine* 1, 110-114 (1995) available at: <https://www.nature.com/articles/nm0295-110> retrieved on 2/6/2024

⁹ Reiner, R. (1987). *The Princess Bride*. Twentieth Century Fox, 1987.

SB 381 Transgender girls in sports.pdf

Uploaded by: Sharon Hill

Position: UNF

Testimony for SB 381

Hello Chairperson Brian Feldman and Vice Chairperson Cheryl Kagan, Committee members and guests. My name is Sharon Hill. I am here to oppose Senate Bill 381. I have 2 children: one identifies as female and one identifies as transgender. Both attended Montgomery County Public Schools. Interscholastic and Intramural Sports need to be available to All students. Requiring athletic teams to be based on biological sex is blatantly discriminatory, damaging to children's mental health and incredibly demeaning to their self esteem.

Transgender children are Not a problem; they are simply children who want to be accepted; encouraged to do their best in life, academics & sports. Transgender people have participated in sports for a long time! The NCAA and the International Olympic Committee have allowed transgender athletes to participate on sports teams aligned with how they identify since 2004.

The American Psychological Association states that there is No evidence to support claims that allowing transgender student athletes to play on the team that fits their gender identity would impact the fairness of the sport. They vary in their athletic ability just the same as all students. Note that in February 2021, the National Coalition for Women and Girls in Education issued a statement supporting transgender and nonbinary students' Full and Equal participation in all education programs & activities, including sports.

Evidence shows that adolescents who participate in sports have better grades, higher occupational aspirations and more self-esteem. All youth deserve to have complete access to sports. Banning transgender individuals from participating on teams based on their identity is the same as banning them from the sport entirely since their identity is how they exist in the world. Transgender youth suffer bullying, rejection and discrimination in all areas of their lives, including getting medical care. Sport participation helps to mitigate some of the harm that they experience from transphobic people.

Gender policing harms Everyone. It leads to invasive tests to "verify" biological sex, hormonal status, etc. Divisive policies undermine All teams. Let's promote inclusive, supportive policies which will improve students' well-being and team unity. Vote NO to SB 381. Thank you.