**WOMEN’S SPORTS**

A recent Gallup poll showed nearly seventy percent of Americans support restricting transgender athletes to competing only on sports teams that align with their birth gender.[[1]](#endnote-1) Currently, over twenty states have enacted laws upholding this sentiment. Additionally, the U.S. House of Representatives has recently passed a national ban on transgender athletes participating on sports teams that do not align with their birth gender. However, the Senate is unlikely to pass it, and President Biden has vowed to veto it.

 Those opposed to allowing transgender athletes to play on sports teams tend to focus on trans athletes in women’s sports. They frame the conversation around concerns for disadvantaging women’s sports through unfair competition and biological advantages. They point to examples like of transgender athletes who ranked higher in the women’s division following their transition, such as swimmer Lia Thomas. They point to studies on the lasting impacts of testosterone on post-puberty individuals. The performance gap between biological males and females is most pronounced at puberty, amounting to between a 10 and 50% difference based on the sport, and the biological advantages of testosterone—such as increased muscle mass and strength—are “only minimally reduced when testosterone is suppressed.”[[2]](#endnote-2)

 Those in support of allowing transgender athletes to participate in athletics tend to worry about gender policing, reject claims of an unfair advantage, and affirm the need for inclusion. They worry that gender policing could “subject [female athletes] to invasive tests or accusations of being ‘too masculine’ or ‘too good’ at their sports to be a ‘real’ woman.”[[3]](#endnote-3) They observe that all athletes vary in their athletic ability and that testosterone alone cannot fully explain the 10% athletic advantage cis men have compared to women.[[4]](#endnote-4) Finally, advocates for trans athletes highlight the need for inclusion; schools should not “condone[], reinforce[], and affirm[] transgender students’ social status as outsiders or misfits who deserve the hostility they experience from peers.”[[5]](#endnote-5)

What do you think? Should persons identified at birth as biologically male be allowed to compete in female segregated sports if they now identify as female?

*Female sports were created to give women an opportunity to compete on an equal playing field. If we allow biological men to compete, then we are taking this opportunity and safe place away from otherwise deserving women. It is not safe. It would be a reversal of fifty years of Title IX protections.*

*I support their inclusion in high school sports but I do not support their inclusion in professional sports.*

*This is a nuanced issue, but ultimately, allowing a small minority of individuals to compete within the community they identify with is more important than arguments of potential unfair advantage.*

**GENDER AFFIRMING HEALTHCARE**

According to the Centers for Disease Control and Prevention and the U.S. Department of Health and Human Services, gender-affirming health care services are crucial to the overall health and well-being of transgender and non-binary individuals, particularly youth, and include puberty blockers and hormone therapy. By contrast, those against such care for minors argue that adolescents are insufficiently mature to undertake such changes. With arguments over the scientific benefits and harms of gender-affirming health care, a number of states have recently imposed barriers to such care by enacting laws that subject health care professionals to civil or criminal liability for providing gender-affirming health care to children or that target parents who seek it

A major point of contention is Section 1557 of the Affordable Care Act, which prohibits discrimination on the basis of sex, among other factors, in healthcare programs and activities receiving federal financial assistance.[[6]](#endnote-6) The inclusion of “sex” in this provision has been interpreted by some as encompassing discrimination based on gender identity, extending protections to transgender individuals seeking healthcare services. Entities who receive federal financial assistance and deny care based on gender identity or report to a state authority the parents or children who are seeking medical care may violate Section 1557.

What do you think? Must states permit gender-affirming health care to children?

*Trans children face a multitude of issues related to their identity, and that can't be denied. Gender-affirming care is not synonymous with gender-reassignment and should only be a conversation between the patient, parents/guardians, and doctor.*

*The states should have no say in the decision. This is something better left to the people to decide for themselves; the government is in no better position to decide than the people receiving the care and thus should permit everything.*

*I’m most concerned about medical interventions. If gender affirming simply means therapy and physiological help that uses their correct pronouns and is based on accepting their gender identity I’m fine with that. However I think what we mean by gender affirming treatment is more medical interventions that delay or reverse puberty. I think these treatments are fundamentally experimental and should be conducted in well regulated experimental settings.*

**PREFERRED PRONOUNS**

In 2020, the Supreme Court defined “sex discrimination” to include discriminating on the basis of a person’s sexual orientation and gender identity.[[7]](#endnote-7) While litigation ensues over its broader application, the definition applies to laws such as Title IX of the Civil Rights Act of 1964 that prohibits sex discrimination in schools. States are divided on the implementation of this new definition of sex discrimination as it relates to a variety of K-12 school policies, including the required use of preferred pronouns.

For example, the Virginia Department of Education contends that the First Amendment forbids government actors from requiring individuals to adhere to or adopt any particular ideological beliefs. The Department argues that practices such as compelling others to use preferred pronouns is premised on the ideological belief that gender is a matter of personal choice or subjective experience, not sex, and many Virginians reject this belief. Additionally, the Department argues that the First Amendment guarantees religious freedom and prohibits compelling others to affirm ideas that may be contrary to their personal religious beliefs. Therefore, school policies should not require the use of preferred pronouns.

On the other hand, the Maryland State Department of Education recommends modifying forms that allow families and students the ability to self-identify their gender and preferred names and pronouns and then provide training for all faculty to use these names and pronouns. The Department emphasizes that while it is important to find a balance between students’ privacy and parental rights, no law requires schools to disclose sensitive topics including sexual orientation and gender identity to parents--including preferred names and pronouns.

What do you think? Should K-12 school policies require faculty to use students’ preferred pronouns?

*In general, yes, but schools should make the child's parents aware that the child has specified preferred pronouns.*

*I think that grade schools and teachers should respect good faith requests so long as they do not pose an undue burden on class. With that being the case, I also think it is fair that the teachers loop in parents or guardians if they so desire.*

*Students are still developing in grade school. During this time we correct them when they get math problems or basic historical facts incorrect. Why would we approach biological facts any differently.*

**SURVEY**

Add the numbers of your responses together. This will help us pair people up for discussion.

**Prompt A**: Persons identified at birth as biologically male should be allowed to compete in female segregated sports if they now identify as female.

1. Yes. 2. I have no opinion or my opinion is conflicted. 3. No.

**Prompt B**: States must permit gender-affirming health care to children.

1. Yes. 2. I have no opinion or my opinion is conflicted. 3. No.

**Prompt C**: K-12 school policies should require faculty to use students’ preferred pronouns.

1. Yes. 2. I have no opinion or my opinion is conflicted. 3. No.

**Total: \_\_\_\_\_\_\_\_**

1. Jeffrey M. Jones, *More Say Birth Gender Should Dictate Sports Participation*, Gallup (June 12, 2023), https://news.gallup.com/poll/507023/say-birth-gender-dictate-sports-participation.aspx. [↑](#endnote-ref-1)
2. Emma N. Hilton & Tommy R. Lundberg, *Transgender Women in the Female Category of Sports: Perspectives on Testosterone Suppression and Performance Advantage*, Sports Med. 51(10); 2235. [↑](#endnote-ref-2)
3. Chase Stangio & Gabriel Arkles, *Four Myths About Trans Athletes, Debunked*, ACLU (April 30, 2020), https://www.aclu.org/news/lgbtq-rights/four-myths-about-trans-athletes-debunked. [↑](#endnote-ref-3)
4. Bri Newland, *Data Will Level the Playing Field for Trans Athletes*, Sports Business Journal (March 14, 2022), https://www.sportsbusinessjournal.com/SB-Blogs/COVID19-OpEds/2022/03/14-Newland.aspx. [↑](#endnote-ref-4)
5. *Id.*  [↑](#endnote-ref-5)
6. 42 U.S.C.S. § 18116. [↑](#endnote-ref-6)
7. Bostock v. Clayton Cnty., Georgia, 590 U.S. 644 (2020). [↑](#endnote-ref-7)