

# “All 50”: The Transgender-Inclusive High School Sports and Activities Policy and Education Project

LGBT Sports Foundation

## Proposed Model High School Policy

**The LGBT Sports Foundation** is the nation's largest and most established not-for-profit organization working with athletes, coaches, and administrators to ensure that all participants in the sports world are welcome and respected. We address racism, sexism, and other forms of social injustice in our work.

Our network of 30 organizations and individuals share a vision of **inclusive sports** and believe in the **power of community** to create — and sustain — these kinds of cultures. Collectively, we are an **experienced, diverse, and committed** LGBT sports advocacy organization working for equality and social change.

The LGBT Sports Foundation has funded, through a grant by Nike, **“All 50”: The Transgender-Inclusive High School Sports and Activities Policy and Education Project**.

Participants of the project include:

- Erin Buzuvis, Professor, Western New England University School of Law
- Pat Griffin, Professor Emerita, University of Massachusetts Amherst
- Chris Mosier, Founder, TransAthlete.com, Executive Director, Go! Athletes
- Christina Kahrl, National Editor & Writer, ESPN
- Gay Lesbian Alliance Against Defamation (GLAAD)
- Gay Lesbian Straight Education Network (GLSEN)
- National Center for Lesbian Rights (NCLR)

"All 50" has created a **universal standard model in policy and education** for transgender inclusion in K-12 sport and activity associations for all 50 states. It will be based on this single principle: Transgender high school students athletes will compete in the gender in which they identify and have a positive sport experience. This model was completed on May 2, 2016

## Model High School Policy:

### PHILOSOPHY OF GENDER IDENTITY PARTICIPATION

The [state athletic association] believes that athletic participation is valuable to students' physical, intellectual, social, and character development and accordingly, we value inclusion. Guided by this value, our policy permits transgender students' athletic/activities participation in a manner consistent with their gender identity.

### POLICY PERMITTING GENDER IDENTITY-BASED PARTICIPATION

All students should have the opportunity to participate in [state athletic association] athletics/activities in a manner that is consistent with their gender identity, irrespective of the gender listed on a student's records and without prior medical or mental health care.

**1. Eligibility to participate.** A student has the right to participate in athletics in a manner consistent with the sex listed on their school records. A student whose gender identity is different than the sex listed on the student's registration records may participate in a manner consistent with their gender identity in accordance with the policy below.

**2. Notice to the school.** The student and/or parents shall contact the school administrator or athletic director indicating that the student has a gender identity different than the sex listed on the student's school registration records, and that the student desires to participate in activities in a manner consistent with his/her gender identity.

Note: a student is presumed eligible to participate in [state athletic association] activities in a manner consistent with their school registration records, even if that differs from the sex assigned at birth. Such a student is not required to provide notice under this subpart.

**3. Notice to the [state athletic association].** Upon receiving notice under subpart 1, a school administrator should inform the [state athletic association] [insert specific person's title] of the student's intention to participate in activities in a manner consistent with his/her gender identity, as opposed to sex listed on the student's school registration records.

**4. Determination proceeding.** Should the [state athletic association] receive a timely petition from a member institution challenging a student's participation in a sex-segregated activity consistent with his or her gender identity, or, although not required, a student seeks to preemptively confirm his or her eligibility, it will review that student's eligibility for participation by working through the procedure set forth below:

- a. The [state athletic association] will convene an eligibility committee specifically established to hear gender identity appeals. The Gender Identity Eligibility

Committee will be comprised of a minimum of three of the following persons one of whom must be from the physician or mental health profession category:

- i. Physician with experience working with youth whose gender identity different than the sex they were assigned at birth, and familiar with the World Professional Association for Transgender Health (WPATH) Standards of Care and other standard-setting documents.
  - ii. Licensed mental health provider with experience working with youth whose gender identity different than the sex they were assigned at birth, and familiar with the World Professional Association for Transgender Health (WPATH) Standards of Care and other standard-setting documents.
  - iii. School administrator from a non-appealing school.
  - iv. [State athletic association] staff member.
  - v. A gender-affirming advocate familiar with issues affecting youth whose gender identity different than the sex they were assigned at birth.
- b. The committee shall conduct a hearing as expeditiously as possible, but no later than five (5) school business days prior to the first full interscholastic contest that is the subject of the petition. In the case of emergency, the hearing shall be held within a reasonable time after the petition challenging a student's eligibility has been filed.
- c. The student shall have the opportunity to provide the committee with the following documentation:
- i. Current transcript and school registration information;
  - ii. Documentation of student's consistent gender identification (e.g., affirmed written statements from student and/or parent/guardian and /or health care provider); and
  - iii. Any other pertinent documentation or information.
- d. If the Gender Identity Eligibility Committee finds that the student's gender identity is sincere, i.e., is not motivated by an improper purpose, then the student shall be declared eligible to continue participating in sex-segregated activities consistent with his or her gender identity. This determination of eligibility will be in force and is granted for the duration of the student's participation and does not need to be renewed every sports season.
- e. Either the student or the petitioner may appeal an adverse outcome. The appealing party must file a notice of appeal with the Executive Director of the [state athletic association] within ten (10) school business days following the date of the written decision of the Gender Identity Eligibility Committee. Upon receiving an appeal, the Executive Director will schedule a hearing to commence within ten (10) school business days following the date of receipt of the written notice of appeal. Written

notice of the time and place of the hearing shall be delivered to all parties in person or by certified mail, with return receipt requested, no later than five (5) school business days prior to the date of the hearing.

**5. Confidentiality.** With the exception of the notice required in subpart 2 of this policy and the hearing allowed in subpart 3, students affected by this policy have the right to confidentiality in all matters governed by this policy. School administrators and [state athletic association] officials shall respect this confidentiality unless and to whatever extent it might be waived by the student.

## **ADDITIONAL GUIDELINES**

The [state athletic association] endorses the following guidelines to ensure the nondiscriminatory treatment of transgender students participating in [state athletic association] activities.

**1. Changing Areas, Toilets, and Showers.** Transgender student-athletes should be able to use the locker room, shower, and toilet facilities in accordance with the student's gender identity. Every locker room should have some private, enclosed changing areas, showers, and toilets for use by any athlete who desires them. When requested by a transgender student-athlete, schools should provide private, separate changing, showering, and toilet facilities for the student's use, but transgender students should not be required to use separate facilities.

**2. Hotel Rooms.** Transgender student-athletes should be assigned to share hotel rooms based on their gender identity, with a recognition that any student who needs extra privacy should be accommodated whenever possible.

**3. Language: Preferred names and pronouns.** A transgender student may have a preferred name and gender pronouns that is different from what may be indicated by the student's school records. Coaches, administrators, and officials shall make every reasonable effort to honor that student's preferred name and pronoun and to ensure that the student's name and pronoun preferences are respected by others including teammates, opponents, fans, volunteers, announcers, etc. This guideline applies not only for transgender students who seek to participate in state athletic association activities in a manner consistent with their gender identity, but also to those whose participation is consistent with the sex on their school records and not their gender identity.

**4. Dress codes and team uniforms.** All team members should have access to uniforms that are appropriate for their sport and that they feel comfortable wearing. No student should be

required to wear a gendered uniform that conflicts with the student's gender identity. Dress codes for athletic teams when traveling or during a game day at school should be gender-neutral. (Instead of requiring a girls' or women's team to wear dresses or skirts, for example, ask that team members wear dresses or slacks that are clean, neat, well cared for and appropriately "dressy" for representing their school and team.)

**5. Competition at another School.** Without violating a transgender student's confidentiality or privacy, school leaders, athletic directors, and coaches should communicate with their counterparts at other schools prior to competitions in which a transgender athlete is participating about expectations for treatment of transgender student-athletes on and off the field, including to ensure access to appropriate changing, showering, or bathroom facilities, and to request the use of preferred names and pronouns by coaches, opponents, officials, announcers, fans, and media.