

SENT VIA ELECTRONIC MAIL

WIAA Representative Assembly
c/o Sean Bessette, Director of Communications
Washington Interscholastic Activities Association
435 Main Avenue South
Renton, WA 98057
sbessette@wiaa.com

January 22, 2025

Re: Proposed Amendments Impacting Transgender Athletes

Dear WIAA Representative Assembly,

We write to express our grave concerns regarding two proposed amendments¹ to the WIAA handbook that seek to ban transgender students from participation in girls' sports and relegate transgender athletes to a separate athletic program. These amendments are inequitable, discriminatory, and untenable. Moreover, the proposed amendments are likely unlawful under constitutional equal protection guarantees, Title IX's prohibition on sex discrimination, and Washington's anti-discrimination laws, as well as violative the Office of Superintendent Public Instruction's "Gender-Inclusive Schools" policy.

Discriminatory restrictions, like these proposed amendments, are devastating for transgender students. Transgender students already face alarming rates of bullying, family rejection, depression, and suicidality. But when officials who are meant to protect these children implement policies designed to exclude them, the results are catastrophic. Instead of supporting these vulnerable students, the proposed amendments will only further degrade transgender students' emotional and mental health, subject them to increased bullying, and shut them out of what should be a prosocial youth activity. These proposed amendments further the nationwide trend of exclusion and bullying of transgender youth, which include an alarming rise in exclusionary laws and policies that directly harm the wellbeing of transgender youth. In a 2024 peer-reviewed, published study, the Trevor Project found that anti-transgender laws cause up to a 72% increase in suicide attempts for transgender and nonbinary young people.²

¹ ML/HS #7, 18.16.0; ML/HS #8 18.16.10.

² *Anti-Transgender Laws Cause up to 72% Increase in Suicide Attempts Among Transgender and Nonbinary Youth, Study Shows*, The Trevor Project, Sept. 26 2024, <https://www.thetrevorproject.org/blog/anti-transgender-laws-cause-up-to-72-increase-in-suicide-attempts-among-transgender-and-nonbinary-youth-study-shows> (citing Wilson Lee, et. all, *State-level anti-transgender laws increase past-year suicide attempts among transgender and non-binary young people in the USA*, *Nature Human Behavior*, Jun. 14 2024, <https://www.nature.com/articles/s41562-024-01979-5.epdf>).



Washington

PO Box 2728
Seattle, WA 98111
(206) 624-2184
aclu-wa.org

Sherri Nichols
Board President

Michele Storms
Executive Director

La Rond Baker
Legal Director

John Midgley
Of Counsel

Adrien Leavitt
Brent Low
David Montes
Jonathan Nomamiukor
Staff Attorneys

Tracie Hooper Wells
Paralegal

Further, sports help young people pursue positive relationships, strengthen character, and build confidence. This is especially true for girls and young women. High school girls who play sports earn higher grades and have higher levels of self-confidence, including regarding their body image. Despite these clear benefits, there are many barriers impacting girls' and young women's involvement in high school sports, including lack of funding, stigma, harassment, and under-recognition. Instead of addressing these important issues, the proposed amendments politicize participation in girls' sports, creating incentives to target cisgender and transgender girls.

The proposed amendments to WIAA permitting only girls "assigned female at birth" to participate in girls' sports risks subjecting students to highly invasive and traumatizing sex testing. These restrictions will not help cisgender athletes, but will instead expose some of these student athletes to suspicion and scrutiny. In other states that have enacted transgender sports bans, cisgender girls have been accused of violating the law when they were perceived as being too strong, too tall, or too talented to be girls.³ This scrutiny is particularly harmful for girls and women of color, who continue to be hyper-scrutinized over gender norms.⁴

These proposed amendments are also contrary to the positions of leading advocates for women's sports, including the Women's Sports Foundation, that support the participation of transgender girls in girls' sports. The Women's Sports Foundation supports inclusive policies—like WIAA's current, long-standing policy—that permits transgender girls' participation on teams that align with their gender identity.⁵ The recognition of the importance of access to gender-inclusive sports is reflected in the Office of Superintendent Public Instruction's policy and procedures that dictate students sports participation must be "in a manner that is consistent with their gender identity."⁶

The proposed amendments do not support girls and young women in high school athletics. Rather, these proposed amendments play into the efforts to politicize student athletes, target a small, increasingly vulnerable group of young people for further discrimination, bullying, and harassment. We strongly urge the WIAA Representative Assembly to reject any proposed

³ *Parents of female student-athlete at the center of controversy call on school board member to resign*, KSLTV, Feb. 7 2024, <https://ksltv.com/education-schools/parents-of-female-student-athlete-at-the-center-of-controversial-school-board-member-post-speak-out/620977/>

⁴ Noreen Nasir, *For women athletes of color, outsized scrutiny over gender is nothing new*, *historians say*, PBS, Aug. 4 2024, <https://www.pbs.org/newshour/world/for-women-athletes-of-color-outsized-scrutiny-over-gender-is-nothing-new-historians-say>

⁵ WSF Statement on State Bills Banning Transgender Youth Sport Participation, Mar. 11 2021, https://www.womenssportsfoundation.org/media_statement/wsf-statement-on-state-bills-banning-transgender-youth-sport-participation.

⁶ OSPI Policy 3211, 3211P.

amendments that seek to ban transgender students from participation in athletics that align with their gender identity or otherwise limit their participation.

Sincerely,

Adrien Leavitt, Staff Attorney

La Rond Baker, Legal Director

American Civil Liberties Union of Washington Foundation

PO Box 2728, Seattle, WA 98111

aleavitt@aclu-wa.org

baker@aclu-wa.org