

Memo To: House Education Committee

From: Kelly Nevins, CEO, Women's Fund of Rhode Island

Date: April 23, 2025

Re: Opposition to H5842 – Student Athlete Eligibility Based on Assigned Sex at Birth

Women's Fund of Rhode Island (WFRI) strongly opposes H5842, which seeks to exclude students from participating in school sports consistent with their gender identity, mandating instead that participation be based solely on the student's sex assigned at birth. This bill undermines the fundamental principles of inclusion and equity and directly contradicts existing best practices for student well-being and federal protections under Title IX.

At WFRI, we invest in systemic change that achieves gender equity, a mission that inherently includes support for transgender and nonbinary youth. We know that the path to equity demands recognizing and dismantling systems of oppression, including those based on gender identity and expression.

H5842 is discriminatory, unnecessary, and harmful. It also conflicts with federal protections.

Title IX prohibits discrimination "on the basis of sex" in federally funded education programs. While previous interpretations included gender identity under this protection, recent federal court rulings have limited this scope, and the Department of Education has reverted to earlier regulations that do not explicitly cover gender identity. Nevertheless, several federal courts have recognized that discrimination based on gender identity constitutes sex discrimination under Title IX. Passing H5842 could still expose Rhode Island to legal challenges and send a harmful message that transgender youth are not welcome in our schools.

Participation in sports builds more than physical fitness.

Team sports foster leadership, confidence, discipline, and empathy. For many students, especially those who are marginalized, sports provide a vital source of community and mental health support. Preventing transgender students from accessing these benefits contributes to increased rates of isolation, depression, and suicide. According to The Trevor Project, LGBTQ+ youth are more than four times as likely to attempt suicide as their peers. When schools are affirming, these risks significantly decrease.

There is no evidence that transgender inclusion threatens fairness in sports.

Arguments suggesting transgender students have an "unfair advantage" are not supported by credible research. Athletic ability varies greatly among individuals, regardless of gender identity. Singling out transgender youth based on assumptions rather than data is discriminatory and undermines the values of equity and inclusion that our public schools should uphold.

We urge lawmakers to reject H5842.

Our children deserve policies that protect their dignity, safety, and access to opportunity, not ones that legislate exclusion. We call on the General Assembly to stand with the transgender community and all youth in Rhode Island by opposing this harmful bill.