



TESTIMONY OF GLBTQ LEGAL ADVOCATES & DEFENDERS

In Opposition to H5842 – Relating to Education – Fairness in Women’s Sports Act House Education Committee

Dear Chair McNamara, First Vice Chair Noret, Second Vice Chair Kislak, and Members of the House Education Committee:

My name is Polly Crozier, and I am the Director of Family Advocacy at GLBTQ Legal Advocates & Defenders (GLAD Law). I write in **strong opposition** to H 5842, Relating to Education – “Fairness in Women’s Sports Act.” This bill proposes a blanket ban on transgender students playing sports with their peers, contrary to the well-being of all students – particularly girls - and contrary to long-held Rhode Island values of supporting LGBTQ equality and ensuring that every child can live up to their full potential.

As you know, GLAD Law is New England’s leading legal rights organization dedicated to working towards equality for LGBTQ people and people living with HIV. GLAD Law has been at the forefront of litigation challenging laws that align with H 5842. In our New Hampshire case, *Tirrell and Turmelle v. Edelblut*, GLAD Law has challenged a similar categorical ban on transgender girls playing sports, and a federal judge granted an injunction finding the law likely violates both Title IX and equal protection and allowing our clients to continue playing alongside their peers. *See 748 F. Supp. 3d 19, 33, 40 (D.N.H. 2024)*(concluding that the law “intentionally targets transgender girls and subjects them to differing treatment solely because they are transgender” and that the state’s purported objectives fail to satisfy heightened scrutiny). We have also written amicus briefs in cases that successfully challenged Arizona’s and West Virginia’s bans on transgender athletes, respectively. *See Doe v. Horne*, 115 F.4th 1083 (9th Cir. 2024); *B.P.J. v. W. Va. State Bd. of Educ.*, 98 F.4th 2542 (4th Cir. 2024).

The desire for fairness in sports and the safety of student-athletes is universally shared, and a blanket ban on transgender student-athletes, such as H 5842, goes too far and ultimately threatens to harm all girls and women. Such broad measures embolden spectators,

community members, and competitors to bully and harass girls based on their size, strength, or other attributes, creating unnecessary barriers even for non-transgender girls who wish to participate in sports. Legislation that aims to ban transgender youth from participating in sports is based on inaccurate stereotypes about biology, athleticism, and gender. Transgender athletes vary in athletic ability just like non-transgender athletes.¹

This bill represents a sweeping exclusion of transgender girls from school sports that would deny them the critical benefits of participating in sports programs. School sports provide a unique opportunity for students to learn self-esteem, sportsmanship, leadership, and self-discipline that fosters healthy adolescent development. Depriving transgender girls of the benefit of school sports not only takes away an important educational opportunity, but it also sends a message that they are outsiders and condones bias and discrimination.

Not only would this bill discriminate against trans youth in ways that compromise their health, social and emotional development, and safety, but the bill also raises substantial concerns about safety and privacy for all girls. H 5842 allows *anyone* to dispute that a child is a girl and able to compete on a girls' sports team. This will undoubtedly lead to policing and harassing of girls, particularly those who may not reflect societal norms of femininity. If there is a dispute, a girl has to establish her sex by "*presenting a signed physician's statement*" apparently detailing her anatomy and genetic makeup. This reflects an unacceptable invasion of privacy. This bill spells surveillance for any girl wanting to play sports – regardless of her sex at birth.

This blanket ban is unnecessary, discriminatory, and threatens all girls. It represents a stark departure from Rhode Island's long history of ensuring equality for our transgender community members and from Rhode Island's commitment to ensuring all children can thrive in school. We respectfully request that the Committee not move this measure forward. Thank you for your time and consideration, and please do not hesitate to contact me with questions or for additional information.

¹ American Civil Liberties Union, *Four Myths About Trans Athletes, Debunked* (Apr. 30, 2020), <https://www.aclu.org/news/lgbtq-rights/four-myths-about-trans-athletes-debunked>; National Public Radio, *Arguments that trans athletes have an unfair advantage lack evidence to support* (Apr. 9, 2023), <https://www.npr.org/2023/04/09/1168858094/arguments-that-trans-athletes-have-an-unfair-advantage-lacks-evidence-to-support>.

Respectfully submitted,
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