

Comment Report

HF 2309

A bill for an act relating to student eligibility requirements in school district and accredited nonpublic school athletics based on sex.(See HF 2416.)

Subcommittee Members: Wheeler-CH, Mascher, Stone

Date: 02/10/2022

Time: 09:00 AM

Location: RM 102, Sup. Ct. Consult

Name: Mary Wolfe

Comment: NO THANK YOU

Name: JOYCE Schneider

Comment: I am in favor of HF 2309! A biological male participating in womens sports is unfair to women across the country. We must protect the rights of women to participate in sports with other biological females. Womens Sports must be saved.

Name: Kathryn McGovern

Comment: Save girls sports! Biological sex/gender assigned at birth should determine who you competed against. Biological males have no business competing against biological females.

Name: Kathryn Hall

Comment: I urge you to set this bill aside. This bill is detrimental to all youth especially transgender youth who deserve to participate in athletic programs that teach them teamwork, persistence and goal setting.

Name: Tambi Heiter

Comment: This bill is disgusting and discriminatory. Why does the GOP have to ruin literally everything that is decent in the world?!

Name: Nick Oswald

Comment: All children deserve to participate in sports and school activities no matter their gender. Trans children are already at greater risk for bullying, depression, and suicide attempts this bill will make school an even less welcoming and safe place. This solves no actual problems and causes harm to vulnerable Iowans. No transphobic laws should be acceptable in our state.

Name: Heather Mathre

Comment: Trans girls are girls and deserve to play sports just like everyone else. Banning trans girls from sports is discrimination. By trying to ban trans girls from sports you are deliberately telling trans girls that they are somehow less of a person than everyone only because they do not conform to your feelings of who you think they should be. You should be supporting them and helping to ensure their lives are respected, uplifted, and safe. Instead, you are allowing yourselves as well as others to direct discrimination and hate towards them making life even harder and unsafe. Shame on you all.

Name: Angelo Rossi

Comment: No reason for this bill. Stop advancing prejudiced laws and fix our roads and bridges.

- Name:** Amber Gustafson
- Comment:** This bill violates the equal protection clauses of both the US Constitution and the Iowa Constitution. It punches down on some of the most vulnerable kids in our schools. It endangers federal funding to our public schools. It opens our state up to lawsuits for Title X violations. It is not based in science and does not reflect the realities of girls athletics in the state of Iowa. As the parent of a transgender child I strongly urge you to vote no.
- Name:** Jesse Reeves
- Comment:** As a girls softball coach for several years my stance this. Girls play girls unless they want to compete with males that generally have an advantage. All I see is let the kids compete and yes I agree. Let them compete but at their own born sex. If Bill was born a male then transitioned into Becky that person can still play a male sport. There is a transgender swimmer in the news at this point, if allowed to switch to female she would dominate the sport. Ask yourself why would anyone for the love of womens sports be ok with a biological male being number 1? This doesn't make sense. I love kids sports and want all kids to love and play but let's be real. Unfortunately biological men have an advantage in most sports to females period. Let me leave you with this. I read there are roughly 150 high school male sprinters in the USA that can beat the #1 women in the world fastest time at this time at the 100 meter dash. Is this what we are aiming for?
- Name:** CJ Petersen
- Comment:** They say you're able to tell a person's character by the company they keep. The people of Iowa do not want to be in the company of an anti-Christian, anti-LGBTQ hate group like the Family Leader which, unfortunately, neither leads nor represents families. Transgender kids deserve our support and understanding, not our judgment and hate. Please vote no on this bill.
- Name:** Michelle Veach
- Comment:** Please, protect girls' rights to compete against biological girls only. We will irreparably harm girls as they cannot win against a biological boy. We will create mental illness, depression and despair amongst biological girls, if they have to compete against biological boys (meaning they are born male) who are stronger, faster. Let Iowa be a place where common sense is written into law. Please protect our girls. Michelle Veach Mom of Gavin (boy), and Gabi (girl aged 13)
- Name:** Whitney Free
- Comment:** All children deserve to participate in sports and school activities no matter their gender. Trans children are already at greater risk for bullying, depression, and suicide attempts. This bill will make school an even less welcoming and safe place. This causes harm to vulnerable Iowans. No transphobic laws should be acceptable to our state. It is also abhorrent and disgusting that lawmakers spend so much of their time focusing on the genitals of minors. Those who do so should be immediately removed from office as they are in violation of state laws. Finally, I ask our legislators to spend time on more urgent issues like the pandemic and racial justice.
- Name:** Molly Monk
- Comment:** This bill is bigotry that will do nothing but hurt children. It should not be advanced.
- Name:** Kathy Graeve
- Comment:** Vote no on this discriminatory bill. Trans children and teens are human beings who deserve respect and the ability to participate in sports is a right they are entitled to. The research does not support the assertion that trans athletes have an unfair advantage. Also, each time one of these uninformed and cruel bills is introduced,

calls to suicide hotlines increase. Please stop trying to harm trans children.

Name: Tiffany Welch

Comment: I oppose HF 2309 and any requirements that use sex assigned at birth to designate who can play on what teams. Trans females are not at any advantage in sports, just like trans males are not.

Name: Mary Wilcynski

Comment: Please do not discriminate against transgender children. Oh my gosh! Those kids are so incredibly vulnerable as it is, its just inhumane to add to their burdens. They are not a threat to anyone or to any sport. Please! Lets get sensible.

Name: Amy Dea

Comment: I support this bill! I am grateful it was drafted! We must protect our girls sports! These young ladies have worked and trained for their sport. Give them the opportunity to compete fairly! Protect girls sports!

Name: Jill Bjorklund

Comment: This bill is discriminatory and dangerous because it tells an already vulnerable population their identity isnt real and there is no place for them in society. It will also force many kids to out themselves. As a parent of a trans daughter, hear me when I say this bill will endanger lives. I beg you to protect our trans youth.

Name: Jamie Martin

Comment: All children need to find a place in the world. All humans require a feeling of belonging. There are a number of ways to ensure this happens and not a single one should be to exclude a child. I support the biological gender stance based on a number of things I have seen in the binary stance we as a society have now. In team sports a lesser athlete is condemned simply due to knowledge of the sport or lack there of. Parents ridicule the kid who is not that good and/or ridicule the parents. This is not good or positive development for a child who identifies any way. Children all need to understand that the first thing they are is people with feelings and activities are things they should like to do not have to do. My second comment on this would relate to the thought that biological genders should participate with persons who do not feel they are biological genders. As a human we are all asked to fit a mold by society and by some thoughts people have. I do not think fitting the mold is important. It is so hard to tell someone they cannot do something and no one wants to do it, but a biological boy or a biological girl have different scientific components.

Name: Tara Helwig

Comment: I believe that someones birthed gender should be the only criteria considered when being placed on and competing on a sports team at any level. It is the only equitable solution. It is simply not fair for women to have to compete with men/boys who feel like a women but are physically built like a man. I understand the sentiment, but its just not fair or equitable for women. Thank you

Name: Mandy Gilbert

Comment: Please protect biological women in sports. As a mother to a female athlete, please ensure their current protections to participate equally as biological female separately from their biological male counterparts. Science has proven that biological men have unique bone and muscle density and structure that gives them an advantage in competition in comparison to a females anatomy in sports. Many have worked hard over the years to ensure women were able to have equal opportunities in sports competition. By allowing biological males to compete alongside females, we are removing women from the playing field. What world do we live in when you say women must compete against a man to achieve success as a FEMALE athlete?

Name: Wendy Dorn-Recalde

Comment: This bill is blatant discrimination and an embarrassment.

Name: Deborah Ashbaugh

Comment: I support this bill. It's not fair or equitable to the majority of students to compete with the opposite sex athletically. Most males are genetically stronger than females. Potentially disqualifying females from even competing. Eventually, males will dominant female athletics. Genetically born females are at a unfair disadvantage. Please do your part to right this injustice.

Name: Andrea Geary

Comment: I am in strong opposition to this hateful & discriminatory bill, which was introduced solely to fundraise & drum up the Republican base, employing fearmongering to a manufactured problem. Merely the introduction of this garbage will result in increased mental health trauma for kids, if not suicide; you should be ashamed of yourselves. Kindly find a legit platform which addresses the many real challenges Iowans face everyday.

Name: M B

Comment: I am in favor of this bill. I am also in favor of wanting all kids to be able to play and participate in the activities they enjoy. But having biological males competing against biological females is NOT fair nor safe. There are plenty of adult athletes in the media spotlight right now that have proven that having testosterone gives the male gender an unfair advantage. It allows muscles and abilities to develop differently. I would not want my daughters to have to compete against someone who could potentially hurt them badly in a physical sport (take the MMA fighter Fallon Fox fracturing the orbital bone in the skull of Tamikka Brents) or diminish their scholarship or recognition opportunities because they can never be physically faster than someone who was born as a different gender (as in Lia Thomas). Women's sports should be against other women, men against men. Help create teams that will encompass others who don't fit into those biological categories if you want to. We would not put a person with special needs up against someone who had full abilities either. We try to level the playing field so that all has the opportunity to have fun, feel the sense of belonging to a team, and have the ability to excel in their sport.

Name: Mark Bjorklund

Comment: I oppose HF 2309. Why further discriminate against an already vulnerable population? Just seems so unnecessary when there are other issues that matter way more to the majority of Iowans. Protect trans youth.

Name: Katherine Styrt

Comment: I oppose this bill, and believe children should be able to compete with their peers. It is inappropriate to judge children by their genitals! This bill is unnecessary.

Name: Jasmin Smith

Comment: This bill is discriminatory, violent, and a relic of a bygone era. Children deserve support and encouragement whether they are transgender, cisgender, or not sure yet where they fall on the gender spectrum. Bills like this only hurt trans kids who are already at high risk for bullying and rejection in their families. Let kids be kids and play as their true selves. Stop forcing rigid, old fashioned ideas about gender down childrens throats because YOU are uncomfortable. Bills like this do nothing but hurt and isolate already vulnerable children, pushing them in too many cases to harm themselves. Educate yourself on what it means to be gender expansive and stop marginalizing gender expansive children.

Name: Susan Helling

Comment: I do NOT support this bill. Please do let let it go further as it is dangerous for trans

children. Research is clear to the impact participation in extracurricular activities like athletics can have on a child's sense of belonging. This bill is discriminatory and poses threats to children's mental health.

Name: Timothy Newman

Comment: This bill does nothing but codify ignorance and hate. Discriminating against Trans students is not going to make them go away, but bullying them will be destructive to ALL students!

Name: Andrea Welch

Comment: Students deserve an opportunity to equally participate in extracurricular activities, including sports. Eligibility restrictions based on sex are wrong. This bill is discriminatory and, as such, needs to be shut down.

Name: Chris Bice

Comment: I am fully against this bill. It is discriminatory and just bad policy. Everyone deserves to participate in athletics in high school, regardless of their gender status. This bill hides behind the guise of "fairness", but all it is, is another attempt to marginalize those kids that short sighted "adults" see as different. Don't allow our state legislature to be yet another bully that children have to worry about.

Name: Thalassa Walter

Comment: This bill would legitimize the unsubstantiated claims that trans people are/will dominate sports. Please dismiss the bill and reject any further attempts to make regulations based on our children's genitals. It's a gross invasion based on fear mongering. I thought we trusted Iowans?

Name: David Balluff

Comment: Why are Republicans in the state making it so hard for teachers to teach, nurses to care for people, and for kids to just be kids? Rather than focus on real issues of concern for Iowans, like the quality of our water, the extremists in the Iowa State house are figuring out how they can promote bigotry and vilify a small powerless section of our population children no less. You all should be ashamed at yourselves. Cravenly pandering to bigots isn't making Iowa a better place to live, it's turning our state into a bigot backwater.

Name: Happy Carter

Comment: I support this bill. We cannot ignore the fact there are differences between boys and girls with athletics especially at a young age. Most importantly when they hit puberty. We have many restrictions in sports to try to keep things fair and give everyone opportunities. For example with wrestling there are weight classes for a reason, same as we do genders. I have a daughter and a son who are both athletes, we need to make sure our girls don't lose their opportunities too.

Name: Melissa Rogers

Comment: This bill is completely discriminatory. Did you know there is more than one biological sex? People can be born XXY, just X, and others can be born intersex or even outwardly presenting as female with testes due to Androgen Insensitivity Syndrome. If those biological variations exist, how can we be so set in what makes one male vs. female when it comes to gender?

Name: Evan Gratteau-Zinnel

Comment: This continues the recent trend of the Iowa legislature doing nothing to improve Iowa. This legislation will help no one and will hurt many.

Name: Jill Emehiser

Comment: I am in favor of HF 2309! A biological male participating in women's sports is unfair

to women across the country. No matter your current identity, biological males participate in only male sports and biological females only participate in female sports.

Name: Jordan McKenzie

Comment: This bill is discriminatory and unnecessary. It should not advance. All children should be able to participate in athletics. Stop legislating bullying.

Name: Brenda Backman

Comment: This is a discriminatory bill. Stop trying to legislate hate and bullying.

Name: Megan Irey

Comment: Stop bullying children. Is that what Jesus did??? Drop this trash legislation.

Name: Becca Kramer

Comment: Thank you for this bill. Please see it through. The physical safety of my 3 daughters depends on the integrity of the games. Please do not discriminate against women keep an equal playing field so no biological males have an advantage in strength and speed. There is no evidence opening womens sports to everyone will help trans kids in preventing suicide as so many are indicating.

Name: Jamie Smith

Comment: This bill is full of bigotry and discrimination. The same argument that females need protecting was used to discriminate against the LGBTQ community and POC. We dont need shelter or protection, we need leadership that is inclusive and fair.

Name: Anna Helzer

Comment: In to addition to being harmful to trans children and their friends, this bill is unnecessarily discriminatory. Children are on average the same size and have similar athletic abilities across genders until puberty, so this bill would harm the mental, emotional, and social health of young trans kids for no reason other than promoting hatred and discrimination. Even at higher levels, trans athletes are not winning unfairly. Please read the actual research instead of focusing on stories promoted by media to make you
angry.<https://www.insidehook.com/article/sports/transathleteswinboyssports/amp?twitterimpression=true><https://www.npr.org/2021/03/18/978716732/waveofnewbillssaytransathleteshaveanunfairedgewhatdoesthesciences>

Name: Sandy Wilson

Comment: It is discrimination against women and girls when they have to compete against men and boys to pursue scholarships and other opportunities afforded to elite athletes.

Name: Nina Summers

Comment: I do not support this bill. Please note that commenters referring to "biological males" are repeating talking points from a playbook. They may mean well, but the people who crafted such talking points do not. This bill is discriminatory. Furthermore, trans youth are one of the highest risk groups in this country for suicide but for trans kids who have gender affirming support from adults in their lives, that risk drops dramatically. I am an ardent supporter of the right of girls and women, but to me that means ALL girls and women. Codifying this discrimination also opens up cisgender girls who are taller, bigger, stronger, etc to bring targeted and accused of being transgender, an effect that already disproportionately affects Black girls & women, who are frequently perceived as less feminine than their White peers. On a last point, given that girls' sports generally come with less funding and less prestige than boys' sports, it seems highly unlikely that boys will suddenly start attempting to join girls' teams for some kind of imagined competitive edge.

Name: Allison Bielenberg

Comment: Please do NOT pass or move this bill forward. ALL kids should be able to play sports. As a parent of a female athlete the benefits of participating in sports are unending it shouldn't be denied to certain children. Imagine if I told my daughter that one of her friends can no longer play basketball with her because the state of Iowa deemed her not eligible due to lack of understanding, or just plain cruelty... That won't cause trauma for my daughter? Again, ALL children should be allowed to play sports and live safely in communities where they are accepted for who they are. They are human, they are people who will grow up to be amazing adults. Isn't that something we want in Iowa? Please do not pass this bill or move it one step further. Thank you Allison, accepting parent of a female athlete

Name: Jonathan Chenoweth

Comment: I have read the draft of HF 2309 as well as the comments of my fellow Iowans, and I can only echo what C. Sims contributed so well: All children deserve to participate in sports and school activities no matter their gender. Trans children are already at greater risk for bullying, depression, and suicide attempts this bill will make school an even less welcoming and safe place. This solves no actual problems and causes harm to vulnerable Iowans. No transphobic laws should be acceptable to our state. Please abandon this harmful initiative.

Name: Joy Ott

Comment: Stop discriminating against trans kids. Throw out this bill.

Name: Lynne Johnson

Comment: I oppose this bill. All children deserve the right to participate in sports. Trans children are already at higher risk of bullying and depression. Let children play sports.

Name: Jennifer Perry

Comment: Im speaking out against this bill. Its discriminatory and will only encourage young people and companies to move out of Iowa. For a party who says they care about mental health you are writing bills that cause irreparable mental harm to people. You say you are pro life but only if those lives are lived on your terms. I encourage you to vote no and stop targeting the LGBTQ+ community.

Name: Allison Beck

Comment: Please take some time to think about this bill before rushing it through to the floor. It may seem like a great idea to you now, but its creating a solution to a nonexistent problem.. Use your time to advocate for increased SSA instead.

Name: Shelly Northway

Comment: HF 2039 at a bill that should be voted down immediately. We should be supporting all children regardless of their sex, color, race or identity. Vote No.

Name: Kara Vorwald

Comment: Trans children should be included into sports and activities. Its discriminatory to exclude them based on what gender they are. We should be encouraging our trans children not making them feel unloved and less than.

Name: Rutu Johnson

Comment: This is just one more example of our Iowa legislators focusing on divisive, hateful nonissues instead of the real challenges facing our state. How will Iowa ever flourish when this is whats being portrayed as its image?

Name: Jennifer Machir

Comment: As a female athlete, and one that generally physically aligned more with men (naturally muscular/strong in my days of athletics). I still could not compete with men/boys in sports. I was just under 6ft tall, could squat significant weight, and was able to run a mile in 7 minutes. Despite this, it was still incredibly tough to keep up/play against boys in pickup games. Its incredibly important to me, now as a mother of 2 girls, that they're allowed to grow and flourish in athletics (should they choose) without the possibility of the other gender creating unnecessary obstacles. We've come so far with women's rights and celebrating everything that makes women amazing. I'm all for creating options for people, in order to be inclusive. But you absolutely cannot take away freedoms/rights of one demographic to appease another. My daughters, and all daughters everywhere deserve better than to 1. Feel they'll do well enough 2. That their voice doesn't matter.

Name: Ingrid Conley-Abrams

Comment: If your sports program doesn't serve all children, it is not a program worth having. Trans children are children and deserve to participate and have fun. They deserve a feeling of significance and belonging, just like all children.

Name: Mallory Groskreutz

Comment: Please protect women and their right to compete in a safe and competitive environment against other girls who are at the same level physically and biologically as them!

Name: Melissa Schnetter

Comment: SUPPORT! Protect girls sports. Keep it SAFE for them to compete against those with similar strength and abilities.

Name: Ethan Madsen

Comment: This is a disgusting attack on people's freedoms. How bored do you have to be screwing up this state that this is an "issue" you try to resolve. Shame on you for attempting to ostricize people who are already dealt a bad hand in this society. Not proud to call mysepf an Iowa with things like this happening.

Name: Courtney Collier

Comment: I support HF2309. Protecting womens competitive sports is important. Allowing transgender biological males to compete in a female category creates an unfair physical advantage.

Name: Ashley Dingman

Comment: I support this bill in order to protect biological female athletes who are put at an unfair physical disadvantage when competing against biological males. We separate male and female sports for a reason and it's to level the playing field, not to discriminate.

Name: Shalome Musignac Jordan

Comment: I oppose this bill. It EXCLUDES and TARGETS Trans girls and women. This bill is saying that only some girls and women are worth protecting and including and that is not okay. It continues to tell trans girls and women that you do not believe in their existence. Trans girls and women have the same rights to compete and exist in spaces they are at without fear of persecution or exclusion. I am a woman and want all trans girls and women to have the same rights and opportunities as me including in sports and other activities. We deserve bills that include all communities in Iowa not only those reflected in the Iowa Legislature. This bills makes it even more unsafe for Trans girls and women who are already targeted and harmed at an alarming rate. Harm is mentioned in the bill and course of consequence. What about trans girls and women who will be harmed by the passing of this bill? Who will be liable for that when this bills continues to build unsafe environments for trans girls and women?

Trans girls and women are our neighbors, family members and loved ones and they should be protected as such. Work with transled and serving organizations to become more, rather than less, inclusive and harmful.

Name: Marlee Myers

Comment: This bill absolutely disgusting. Who ever wrote it should be ashamed of themselves. So since we couldnt get cameras in the class room we are now going to discriminate against the LGBTQ community. Way to go Iowa on taking a GAIN step backwards.

Name: Elizabeth Arnold

Comment: This is a transphobic bill, introducing hate under the guise of protection of womens rights. Trans athletes are not more likely to win than cisgender athletes. Please let athletes play according to their identity

Name: Sara Miller

Comment: The stakes of this bill are ridiculously high. Transgender teenagers already experience disproportionately high suicide & selfharm rates. Please don't codify their societal devaluation into law. Why would we use state resources to attack children? Girls competing against trans girls may struggle & face tough competition...that's the stuff that builds character, fuels drive & grows functioning adults that understand that life is hard, things don't always come easy & outcomes aren't always what we want...the stuff that athletics are supposed to teach our kids. Crafting laws to exclude some children based on how they were born? That teaches trans youth that they aren't worthy or welcome in school, not to mention broader society. If it were your child, how would you want them to be treated? As the mother of 1 bio boy & 2 bio girls in sports, I can honestly say I welcome the chances for them to grow & learn through their sports & at no time should their gender status give them the right to exclude anyone else. If they don't win, they learn to get back up & try again. I'd rather raise a resilient child than know that someone else is burying theirs.

Name: Jennifer Oredson

Comment: I implore you to let this bill die in committee. It is misguided and hateful, and the rhetoric that it's protecting women's rights is a red herring. I have a trans child, and the last thing she needs is one more thing working against her. Until you've seen it in your own home, you have no idea the mental anguish that these kids go through without any additional help from the legislature trying to make them a lesser person. You simply cannot legislate someone's gender. It's the person's choice, and unless you're going to start examining genitals like monsters, you can't even enforce a law like this. I have a trans daughter and a biological daughter, and my biological girl is a hell of a swimmer. IF there is any merit to the physical aspect of this, then I'd rather she learn the life lessons that come through losing and being gracious and being inclusive than obsessively try to protect her pathway to success. That isn't how good adults are made. This bill is bad for biological girls AND trans girls.

Name: Lindsey Carlson

Comment: Leave trans kids alone.

Name: Kristie Clark

Comment: My child is transgender. Please vote no.

Name: Meg Tisinger

Comment: All children deserve to participate in sports and school activities no matter their gender. Trans children are already at greater risk for bullying, depression, and suicide attempts this bill will make school an even less welcoming and safe place. This solves no actual problems and causes harm to vulnerable Iowans. No transphobic laws should be acceptable to our state. It is also abhorrent and disgusting that

lawmakers spend so much of their time focusing on the genitals of minors. Those who do so should be immediately removed from office as they are in violation of state laws.

Name: Jonathan Sims

Comment: Come on. Trans kids deserve the same rights as anyone else. The GOP needs to stop digging their heels in on trans rights. Theyre on the wrong side of history. I oppose H.F. 2309.

Name: Tara Shukla Jones

Comment: This bill is discriminatory and shouldn't be passed. Also fast tracking this bill without giving time to comment is antidemocratic. Trans children are at significantly increased risk of suicide. Taking away their ability to participate in school sports further isolates and marginalizes them. No one is threatening talented athletes no one is trying to "cheat" here. Sports are not meritocratic, genetic advantages, money and access always play a role. Girl's sports are underfunded compared to boys sports but suddenly everyone is worried about them? Give me a break. This bill is about bullying transgender youth, a "solution" in search of a problem. Shame on anyone who participates in this.

Name: Josie Lehman

Comment: Yes all students deserve to play sports in the gender they are physically born with. Playing a sport with a gender that has a physical advantage is not only unfair, it can be harmful and cause injury. Trans gender does not mean your muscles have changed. Records, scholarships, and advancements are at stake as well.

Name: Cindy Waitt

Comment: This bill is discrimination against trans children and could exacerbate bullying against these children and put their mental health at risk. A GLSEN study found that 75% of trans children feel unsafe at school. This is not simply concern about peers but by adults as well. I have been an anti bullying activist for over 20 years, as well as being a social worker who specialized in youth. This bill denies the humanity of these children and risks increasing mental health problems such as depression and anxiety.

Name: Gregory Hauenstein

Comment: This bill is bullying codified into Iowa law. It puts children at risk and puts schools at risk of being denied federal funds under Title IX.

Name: Melissa McAllister

Comment: This bill is discriminatory. All children should be allowed to participate in sports and school activities regardless of gender. Trans children are already at an increased risk for bullying, depression, and suicide attempts. Our goal should be to make school a safe space for ALL students. This bill would do the opposite. I urge you to vote Against this bill.

Name: Matt Busche

Comment: This bill is discriminatory and puts children at risk. This bill is bullying codified into Iowa law. Trans children are already at greater risk for bullying, depression, and suicide attempts and this bill will make school an even less welcoming and safe place for our youth.

Name: Nick Hoefer

Comment: This bill should not be advanced. It is discriminatory and unneeded.

Name: Matthew Hill Neppel

Comment: This bill isnt solving any issues. Additionally it further alienates trans youth. With

this bill the state of Iowa is telling trans youth that they are not worthy of participating in sports simply for who they are. This will directly impact the mental health of these kids who are already at a much higher risk of being abandoned by their families and friends. 52% of trans and nonbinary youth contemplate suicide and one of the reasons cities is being the target of politicians. This is bad for kids, this is bad for sports, and this is bad for Iowa.

Name: Kim Rockhold

Comment: This bill is discriminatory. What is going on in this state? Our legislators should be ashamed of themselves.

Name: Deb Garrett

Comment: All children, regardless of their gender, should be able to participate in sports. No exceptions. No excuses.

Name: Rebecca Truszkowski

Comment: All Iowan children and teens deserve the opportunity to participate in sports. We cannot discriminate against transgender children.

Name: John Galaudet

Comment: There is no need for this law, and shouldnt be advanced. It is discriminatory toward children.

Name: Keith Lippincott

Comment: Does this mean the place kicker for Van Meter football last year cannot play this fall? She was pretty good. The premise here is football is covered by the BOYS athletic association.

Name: Jackie Stellish

Comment: Its time to stop listening to misinformation and hate. Its time to retire the wornout and continuously disproven arguments against young trans people. How many times do we need to go in circles before we give these children a break and let this fade into an unfortunate history lesson on recycled bigotry? Some Republicans in Iowa are obsessed with how other people live their lives its disgusting and they need to stop

Name: Ginny Mitchell

Comment: This is one of the most important issues to my family. My daughter has been a wrestler for 5 years. Girls wrestling just got sanctioned here in Iowa. Allowing biological males to wrestle in the girls divisions is NOT OKAY. This is one reason it was so important to have this sport sanctioned for girls. Allowing biological males to compete in girls wrestling is just like not having girls wrestling sanctioned at all! We women have fought for decades to be able to compete in sports. These men that pretend to be women are setting us REAL women back. Allowing biological males to compete in womens sports is not equity. Please do the right thing and make males compete in males divisions only.

Name: Simon Ventura

Comment: This is awful and discriminatory. Everyone deserves to have a chance to participate in school sports if they wish.

Name: Jenn Turner

Comment: I SUPPORT this bill! Female athletes across this country are losing to biological males. These girls' have worked their whole lives to compete and now, are not able to follow their dreams Olympics, scholarships, state meets, etc. We must protect these athletes rights. Save Women's Sports!

Name: deborah erickson

Comment: Why do you all have so much hate in your hearts? Stop discriminating against kids

Name: Melissa Ventura

Comment: This bill is absolutely unnecessary and cruel. Stop making the lives of LGBTQ youth harder, let them be kids, let them enjoy their childhood, let them play sports! There is no place for this kind of discriminatory rhetoric, the legislators that initiated this and anyone that approves of this should be ashamed of themselves.

Name: Denise Warzak

Comment: This bill is discriminatory and harmful to trans kids. It also begs the question of the definition of sex, even as used in this bill intersex people exist. If a girl with short hair wants to join a team, will you ask to see her birth certificate? A feminineseeming boy with long hair? If the girl appears feminine enough for your standards, you wouldnt ask to see proof? This bill as a whole is, quite frankly, a waste of time and taxpayer dollars, and has nothing to do with fairness or safety and everything to do with forcing others ideals onto young kids.

Name: Samantha Israel

Comment: If you talk to your children, or their friends, or their teachers, and are involved in their school activities and play an active role in their education, then you would know that this is not an issue. Thankfully School staff and fellow students arent as hurtful and intolerant as Republicans lawmakers. Get rid of this bill and leave these kids alone already.

Name: Thomas Naeve

Comment: I would vote in favor of HF 2309. We need to protect the integrity of sports for females. It is not fair for biological females to have to compete against biological males. That fact is science and cannot be disputed. It is not a level playing field. Womens rights must be protected. This is not a vote against the Trans community, only a vote to protect the fair and equitable provision of sports for girls in Iowa.

Name: Adam Witosky

Comment: This bill is based in hate and fear. The attempt to speed run it into law makes it clear its supporters want this discrimination made legal before the public is fully aware of it. This law will result in a trans child suicide.

Name: Sherry Martin

Comment: This bill is a discriminatory bill targeting transgender children. At a time when children are already going through some of the most difficult parts of their journey into adulthood, there is an attempt to make things even harder for them. While this bill targets transgender students, it also fails to recognize there are intersex students. They account for approximately 2% of the population. I look forward to the day when we return to "Iowa Nice".

Name: Crystal Huls

Comment: This bill is discriminating against trans children. Trans Girls are GIRLS and Trans Boys are BOYS. Why are adults bullying, harassing, and segregating children in 2022? Lets do better. I am against this bill and I am embarrassed that it is being Brough tup at all. Iowa is better than this. We have real issues to address. Let kids participate where they feel the most comfortable.

Name: Michael Fryer

Comment: All children lgbt should be able to participate in all school activities. Stop being so vile and do the right thing. Stop turning Iowa into a backwoods State, get your minds off of sexuality.

Name: susanne Kennedy

Comment: Say no to this horrible bill, let kids play sports there is not an issue here you are creating one. Trans kids are already vulnerable and don't need more obstacles, let them play. This bill is hateful and mean and should not move forward.

Name: Chad Brewbaker

Comment: Girls wrestling took too long to form. Take the sex out of Junior Varsity, keep sex fairness for Varsity. Some schools will be able to field a Varsity boys volleyball team, maybe even a handful of girls football teams.

Name: Kathleen M Winter

Comment: This bill is a solution looking for a problem. This is just an attempt to stir up hatred towards a group of young people who already feel marginalized. This is not an issue so why are you trying to make it one????

Name: Gwen Fletcher

Comment: This bill is based on fear and misinformation. This bill is not what Iowa stands for. This bill gives a green light to hate and discrimination. Please say NO to this bill.

Name: Tony Farrell

Comment: Please do not pass or advance this discriminatory bill. First ask yourself if youve ever seen a transgender male compete as a girl? This is not an issue need to address, this only further discourages people from understanding selves. The bill would also require children to submit to examination and disclosure of private information.

Name: Crystal Parsons

Comment: In sports where there are options for both genders, there is no reason a biological male should be competing against biological females. Its not discrimination its BIOLOGY. Pass this bill and protect biologically female athletes!

Name: Lisa Petrie

Comment: Stop bullying our trans kids. Let them play.

Name: Poppy Malone

Comment: I am a seventh grade female wrestler and this is my opinion. Transgender males should not be able to wrestle with girls because even though they think they are a girl they are biologically male and they have testosterone that makes them stronger than female. I have wrestled a male and I know what it feels like it is tough and its Unfair. Girls wrestle girls for a reason and when biological males come in ruins their chance to be able to wrestle equally with people they know how to wrestle. Lots of girls that are starting to wrestle dont know how to wrestle boys because they only wrestle girls. The sport for girls wrestling just got sanctioned and I dont want it to be ruined by males coming in and ruining the chance for girls to have fun in wrestling and be encouraged by other girls that are like them. Thank you for your time.

Name: Linda Cron

Comment: Stop this bill. Be fair to all children. Discrimination impedes all.

Name: Linda Cron

Comment: Stop this bill. Be fair to all children. Discrimination impedes all.

Name: Sandy Wilson

Comment: Citizen Engagement declares IN FAVOR of HF 2309.<https://www.desmoinesregister.com/story/opinion/columnists/iowaview/2022/02/03/iowagirlssportsighsautransgenderpolicy/6594039001/>

Name: Chelsea Sims

Comment: All children deserve to participate in sports and school activities no matter their gender. Trans children are already at greater risk for bullying, depression, and suicide attempts this bill will make school an even less welcoming and safe place. This solves no actual problems and causes harm to vulnerable Iowans. No transphobic laws should be acceptable to our state.

Name: Teale Burford

Comment: This is discriminatory and will set a dangerous precedent. This bill should not be advanced! There are nonexclusionary ways to address equity issues arising from situations involving transfemale athletes. Please explore them!

Name: Sara Coburn

Comment: This is a discriminatory bill and should not have been even suggested. Trans kids are just kids, and some of them might want to play sports. Why are you wasting time picking on kids with an already outsized risk of suicide? This is not worthy or important; its bigotry, plain and simple.

Name: Melissa Collins

Comment: I support this bill. Girls and women deserve a fair chance to compete. Male puberty makes you taller, with greater muscle and bone mass, larger heart and lung capacity. This translates to roughly a 610% advantage over biological women in sports.

Name: Samantha Fett

Comment: Support this bill and pass it! It is time to stand up and speak truth that there is a biological difference between a man and woman. Woman and girls' sports need to be protected from a biological male that may decide to compete with woman, that is not fair to the women and girls that work so hard in their sport. Please protect the integrity of sports for females in Iowa.

Name: Danielle Cusack

Comment: Binary genders isn't backed in science. It is a religious construct. The very basics of our country is religious freedoms. Religious beliefs in binary genders should not be playing roles in government laws, where the US Constitution promises all citizens freedom of religion. Science shows us gender is not binary. Stop pushing religion into schools and laws in Iowa. It violates the core of what makes the United States a free country.

Name: Melissa Collins

Comment: I support this bill. Girls and women deserve a fair chance to compete. Male puberty makes you taller, with greater muscle and bone mass, larger heart and lung capacity. This translates to roughly a 6 to 10% advantage over biological women in sports.

Name: Auden Perino

Comment: Attached is written testimony of Elizabeth Tang and Auden Perino, Senior Counsels for Education & Workplace Justice, on behalf of the National Women's Law Center.



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**Testimony of Elizabeth Tang & Auden Perino
Senior Counsels for Education & Workplace Justice
National Women's Law Center**

**Before the
Iowa House Education Committee**

February 10, 2022

Thank you for the opportunity to submit testimony on behalf of the National Women's Law Center (NWLC) in opposition to H.F. 2309. NWLC is one of the leading national organizations that has been working since Congress passed Title IX of the Education Amendments of 1972 to protect students' rights to learn and participate in athletics free from sex-based discrimination. NWLC has participated in all major Title IX cases before the Supreme Court as counsel or amicus and routinely files amicus briefs in Title IX cases in support of transgender students who experience sex-based discrimination. We believe that ending all forms of sex-based discrimination and harassment is crucial to protecting the opportunities of all students in education and for the rest of their lives.

We strongly urge you to oppose H.F. 2309, which would ban transgender girls from playing on girls' sports teams.¹ This bill would exacerbate the already high rates of sex discrimination, including sexual assault, that girls who are transgender face in school. Further, by imposing a wholesale ban on girls who are transgender from participating in athletics consistent with their gender identity, H.F. 2309 would force schools to violate both the U.S. Constitution and Title IX, which would, in turn, jeopardize Iowa's federal funding. Transgender girls already live and go to school in Iowa, where the current policies against transgender exclusion have benefited all girls, including cisgender girls. Yet H.F. 2309 would not only exclude transgender girls from sports but would also harm cisgender girls, particularly Black and brown girls. There are numerous problems of sex discrimination harming girls in sports, but banning transgender girls would not solve any of them. Our testimony echoes the position of many other women's rights organizations that overwhelmingly support full inclusion of transgender students in athletics. We urge you to reject this dangerous bill.

¹ I.A. 2309, § 1, 89th Leg., (I.A. 2022).

1. Transgender girls face alarmingly high rates of sex discrimination, including physical and sexual assault.

Transgender girls suffer exceedingly high rates of sex-based harassment and other forms of sex discrimination in schools. According to a 2015 study of more than 27,000 transgender adults, 77 percent of those who were out or perceived as transgender while in K-12 schools faced mistreatment in school due to their gender identity—54 percent were verbally harassed, 24 percent were physically attacked, and 13 percent were sexually assaulted.² Transgender women are twice as likely to have been physically attacked or sexually assaulted while in K-12 schools because of their gender identity as transgender men and nonbinary people.³

Anti-transgender victimization in schools has devastating effects on transgender students' safety and wellbeing. Among transgender adults who were out or perceived as transgender in K-12 school, 17 percent of them left at least one school because of the anti-transgender mistreatment they faced.⁴ Transgender women are 1.5 times more likely to have left at least one K-12 school and nearly twice as likely to have been expelled from a K-12 school because of anti-transgender mistreatment than transgender men and nonbinary people.⁵ These experiences often had life-threatening consequences: for example, more than 52 percent of transgender adults who faced anti-transgender mistreatment in K-12 education had attempted suicide at least once by the time they took the survey, compared to 37 percent of transgender adults who had not been mistreated in K-12 school and 4.6 percent of their cisgender peers.⁶ (Importantly, the survey did not capture the experiences of the many transgender students who died by suicide.)

2. H.F. 2309 would further deprive transgender girls of educational access and could place them at greater risk of sexual assault.

H.F. 2309 would exclude many transgender girls in Iowa from athletics altogether, depriving them of the educational benefits of sports. Students who play sports are more likely to graduate from high school, score higher on standardized tests,

² National Center for Transgender Equality, *The Report of the 2015 U.S. Transgender Survey* 4, 11 (2017) [hereinafter USTS Report], available at <http://www.ustranssurvey.org>.

³ *Id.* at 133, 134.

⁴ USTS Report *supra* note 2, at 12.

⁵ *Id.* at 135.

⁶ USTS Report *supra* note 2, at 132.

and have higher grades.⁷ They are also more likely to have higher levels of confidence, more positive body image, greater psychological well-being, and lower levels of depression.⁸ H.F. 2309 would exacerbate educational inequity for transgender girls—who are already subjected to myriad forms of sex-based discrimination that negatively affect their educational outcomes—by barring them from school sports.

Furthermore, if H.F. 2309 were interpreted to also relegate transgender girls who are athletes to locker rooms that do not match their gender identity, this bill could place them at greater risk of sexual assault. In a 2019 study of more than 3,600 transgender and nonbinary students in grades 7-12 published by the American Academy of Pediatrics, students who were banned from using locker rooms and restrooms that matched their gender identity were significantly more likely to have been sexually assaulted during the previous 12 months.⁹ This increased risk of sexual assault was 2.5 times higher for transgender girls, 1.3 times higher for transgender boys, and 1.4 times higher for nonbinary adolescents who were designated female at birth.¹⁰ If H.F. 2309 is interpreted as requiring transgender girls who play sports to use locker rooms inconsistent with their gender identity, it could further endanger them.

3. H.F. 2309 would require schools to violate the Constitution and Title IX, thereby jeopardizing Iowa's federal funding.

H.F. 2309 would give Iowa's school districts and institutions of higher education an unpalatable choice: comply with state law *or* federal law.

Schools would be forced to violate the U.S. Constitution in order to comply with H.F. 2309. Two state bills similar to H.F. 2309 in Idaho and West Virginia have already been found to likely violate the Fourteenth Amendment's Equal Protection Clause. When Idaho passed H.B. 500 in 2020,¹¹ two students immediately sued to reverse the state law—Jane Doe, a 17-year-old cisgender girl in high school, and Lindsay Hecox, a transgender woman in college.¹² A federal court in Idaho court reached “the inescapable conclusion that [H.B. 500] discriminates on the basis of transgender status” and thus

⁷ In fact, a statewide, three-year study in North Carolina found that student athletes had grade point averages that were nearly a full point higher than their non-athlete peers. National Coalition for Women and Girls in Education, *Title IX at 45: Advancing Opportunity through Equity in Education* 41-42 (2017), available at <https://www.ncwge.org/index.html>.

⁸ *Id.* at 41.

⁹ Diane Ehrensaft & Stephen M. Rosenthal, *Sexual Assault Risk and School Facility Restrictions in Gender Minority Youth*, 143 PEDIATRICS 1 (May 6, 2019), <https://pubmed.ncbi.nlm.nih.gov/31061221>.

¹⁰ *Id.* at 5.

¹¹ H.B. 500, 65th Leg., 2nd Reg. Sess. (Id. 2020).

¹² *Hecox v. Little*, 479 F. Supp. 3d 930 (D. Id. Aug. 17, 2020).

triggered heightened equal protection scrutiny under the Constitution.¹³ The court then issued a preliminary injunction against the anti-transgender ban, noting “the absence of any empirical evidence that sex inequality or access to athletic opportunities are threatened by transgender women athletes” and instead finding “compelling evidence that equality in sports is *not* jeopardized” by Idaho’s previous standard.¹⁴ The court concluded that Idaho had “not identified a legitimate interest ... other than an invalid interest of excluding transgender women and girls from women’s sports entirely.”¹⁵

Similarly, when West Virginia passed H.B. 3293 in 2021,¹⁶ an 11-year-old transgender girl, Becky Pepper-Jackson, filed suit.¹⁷ In elementary school, Becky had already been a member of the cheer team for her local youth football league, but the new law would ban her from trying out for the girls’ cross-country team in middle school.¹⁸ As she explained: “I just want to run[,] I come from a family of runners. ... I know how hurtful a law like this is to all kids like me who just want to play sports with their classmates, and I’m doing this for them. Trans kids deserve better.”¹⁹ A federal judge in West Virginia agreed, finding that Becky was likely to win in her constitutional claim, and issued a preliminary injunction against the ban. The judge explained that “permitting [Becky] to participate on the girls’ teams would not take away athletic opportunities from other girls” and that “this law cannot possibly protect the physical safety of other girl athletes.”²⁰ Moreover, the judge pointed out, “I have been provided with scant evidence that this law addresses any problem at all, let alone an important problem.”²¹ Iowa’s H.F. 2309, which would impose a similar ban on transgender girls, suffers from the same flaws as Idaho’s H.B. 500 and West Virginia’s H.B. 3293 and will also likely be found to violate the U.S. Constitution.

H.F. 2309 would also violate Title IX. Nearly 50 years ago, Congress enacted Title IX to prohibit all forms of sex discrimination in education programs and activities.²²

¹³ *United States v. Virginia*, 518 U.S. 515, 555 (1996); *Hecox*, 479 F. Supp. 3d at 975.

¹⁴ *Id.* at 979 (emphasis in original).

¹⁵ *Id.* at 984-85.

¹⁶ H.B. 3293, 85th Leg., Reg. Sess. (W. Va. 2021).

¹⁷ American Civil Liberties Union, *See You in Court: ACLU-WV Joins Suit Challenging Trans Student Athlete Ban* (May 26, 2021), <https://www.acluww.org/en/news/see-you-court-aclu-wv-joins-suit-challenging-trans-student-athlete-ban>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *B. P. J. v. W. Virginia State Bd. of Educ.*, No. 2:21-CV-00316, 2021 WL 3081883, at *6 (S.D.W. Va. July 21, 2021).

²¹ *Id.* at *1.

²² 20 U.S.C. § 1681(a). Although Title IX’s implementing regulations allow schools to maintain sex-separated athletics teams for competitive and contact sports, this does *not* mean that student athletics

For decades, courts have affirmed that discrimination on the basis of gender identity and transgender status is a form of sex discrimination, including when it occurs in gender-separated education programs.²³ In 2020, the U.S. Supreme Court confirmed in *Bostock v. Clayton County* that discrimination based on gender identity “necessarily entails discrimination based on sex; the first cannot happen without the second.”²⁴ Within months of the Supreme Court’s decision, the Fourth Circuit applied *Bostock*’s reasoning to reject a Virginia school district’s policy that prohibited transgender students from using sex-separated restrooms matching their gender identity, finding that the policy violated Title IX.²⁵ Likewise, a federal judge in West Virginia found that the new state law banning transgender girls and women from playing on girls’ and women’s teams was also likely to violate Title IX.²⁶ As the judge explained, “I have little difficulty finding that [Becky] is harmed by this law. ... [I]t both stigmatizes and isolates her. ... [She] will be treated worse than girls with whom she is similarly situated because she alone cannot join the team corresponding to her gender identity.” Iowa’s H.F. 2309, which would impose a similar ban on transgender girls, is also unlikely to survive a Title IX challenge.

The Biden-Harris administration has also made clear that it intends to enforce Title IX consistent with the Supreme Court’s holding in *Bostock*.²⁷ This means that if H.F. 2309 were to be enacted, Iowa would likely face not only litigation by private parties but also by the federal government. Violating Title IX would not only cost the state substantially in litigation costs but would also put the state’s federal education funding at risk. In FY 2022, Iowa will receive \$732 million from the U.S. Department of Education in the form of formula grants and federally supported loans and may receive additional funding in the form of competitive grants.²⁸

are exempt from Title IX. 34 C.F.R. § 106.41(b). Nor do the regulations specify that students of any gender may—or must—participate on a specific team. *Id.* at § 106.41(a).

²³ See, e.g., *Schwenk v. Hartford*, 204 F.3d 1187, 1200-01 (9th Cir. 2000) (interpreting Gender Motivated Violence Act); *Whitaker By Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034, 1047 (7th Cir. 2017) (Title IX); *Evancho v. Pine-Richland Sch. Dist.*, 237 F. Supp. 3d 267, 288 (W.D. Pa. 2017); *M.A.B. v. Bd. of Educ. of Talbot Cnty.*, 286 F. Supp. 3d 704, 719 (D. Md. 2018) (Title IX). See also *Parents for Privacy v. Barr*, 949 F.3d 1210, 1239-40 (9th Cir. 2020) (Title IX); *Doe by & through Doe v. Boyertown Area Sch. Dist.*, 897 F.3d 518, 535 (3d Cir. 2018) (Title IX).

²⁴ *Bostock v. Clayton Cnty.*, 140 S. Ct. 1731, 1747 (2020).

²⁵ *Grimm v. Gloucester Cnty. Sch. Bd.*, 972 F.3d 586, 616 (4th Cir. 2020), as amended (Aug. 28, 2020).

²⁶ B. P. J., 2021 WL 3081883, at *7.

²⁷ Dep’t of Educ., Notice of Interpretation, 86 FR 32637 (June 22, 2021); Dep’t of Justice, Memorandum (Mar. 26, 2021), <https://www.justice.gov/crt/page/file/1383026/download>; Exec. Order No. 13988, 86 Fed. Reg. 7023 (Jan. 20, 2021).

²⁸ U.S. Department of Education, *Fiscal Years 2020-2022 State Tables for the U.S. Department of Education*, available at <https://www2.ed.gov/about/overview/budget/statetables/index.html>.

4. Iowa—and many other states—already have trans-inclusive athletics policies, which have benefited both cisgender and transgender girls.

Since August 2014, Iowa's state athletics policies have suggested that local school districts allow transgender girls to participate on the school sports team matching their gender identity. The Iowa Girls High School Athletic Union looks to whether transgender girls consistently identify as girls at school, home, and socially, not the gender listed in their student records.²⁹ In the years since this policy was adopted, there has been no dominance by transgender athletes or threat to girls' sports in Iowa.

Iowa's policy is already more restrictive towards transgender and nonbinary K-12 students than many other states. Athletics associations in sixteen states and the District of Columbia have adopted fully trans-inclusive policies that allow student athletes in K-12 schools to play on teams consistent with their gender identity.³⁰ Furthermore, fifteen states and the District of Columbia have passed laws protecting transgender students' rights to pursue an education free from discrimination, including in school sports.³¹ In the past 14 years since these laws and association policies were adopted, there has been no categorical dominance by transgender athletes or threat to girls' sports in these states—despite hundreds, if not thousands, of transgender girls competing in girls' sports.³²

Yet H.F. 2309 would impose an extremist ban on transgender girls as young as age 5—far more restrictive than even the strictest rules that govern the most elite levels of sports around the world. In many elite post-season high school competitions, transgender girls are allowed to play on girls' teams after undergoing some testosterone suppression.³³ Even at the Olympic level (which is outside the scope of H.F. 2309), transgender athletes have been allowed to compete since 2004 with restrictions that are quite onerous, yet still less extreme than the outright ban proposed in H.F. 2309.³⁴

²⁹ Iowa Girls High School Athletic Union, *Transgender Statement*, <https://ighsau.org/about/policies-guidelines/>.

³⁰ Transathlete, *K-12 Policies* (last updated Nov. 12, 2021), <https://www.transathlete.com/k-12>.

³¹ National Women's Law Center, *Facts on Trans Inclusion in Athletics* 1 (Sept. 2019), <https://nwlc.org/resources/facts-on-trans-inclusion-in-athletics>.

³² David Crary & Lindsay Whitehurst, *Lawmakers can't cite local examples of trans girls in sports*, ASSOCIATED PRESS (Mar. 3, 2021), <https://apnews.com/article/lawmakers-unable-to-cite-local-trans-girls-sports-914a982545e943ecc1e265e8c41042e7>; Center for American Progress, *Fair Play: The Importance of Sports Participation for Transgender Youth* 13 (Feb. 8, 2021) [hereinafter CAP Report], available at <https://www.americanprogress.org/issues/lgbtq-rights/reports/2021/02/08/495502/fair-play>.

³³ *E.g.*, National Scholastic Athletics Foundation, *NSAF statement regarding Transgender Policy* (Feb. 26, 2019), https://www.nationalscholastic.org/outdoor_nationals/article/2355.

³⁴ Olympic, *IOC Approves Consensus With Regard To Athletes Who Have Changed Sex* (May 18, 2004), <https://www.olympic.org/news/ioc-approves-consensus-with-regard-to-athletes-who-have-changed-sex-1>.

There has been no categorical dominance by transgender girls or women at any of these levels of competition. In fact, no transgender athlete has medaled to date at the Olympics, and the only U.S. transgender athlete ever selected for the national team in a World Championship was Chris Mosier, a transgender man.³⁵

Furthermore, a 2021 study found that in states with trans-inclusive athletics policies, girls' overall participation in high school sports either *increased* or remained the same after those policies were enacted—even in states where boys' participation declined during the same period.³⁶ In contrast, girls' overall participation in high school sports has *declined* over the past decade in states with trans-exclusionary policies.³⁷

In other words, H.F. 2309 is a false solution in search of a nonexistent problem.

5. H.F. 2309 will lead to *more* discrimination against cis, trans, nonbinary, and intersex girls, especially Black and brown girls.

H.F. 2309 relies on overbroad stereotypes about transgender girls' and women's bodies. All athletes' bodies are different, and these differences can be advantageous or disadvantageous depending on the sport. For example, professional gymnast Simone Biles is 4 feet, 8 inches tall, and professional basketball player Brittney Griner is 6 feet, 9 inches tall.³⁸ Both athletes, who are cisgender, have achieved great success, including Olympic gold medals, in part because of their respective heights.³⁹ Similarly, transgender athletes do not have a single body type, and their bodies do not automatically confer absolute advantages over cisgender athletes. In fact, many transgender athletes, especially transgender children, have physiological traits that are more typical of their gender identity than their assigned sex at birth. This means that many transgender girls have more physiological traits in common with cisgender girls than cisgender boys.⁴⁰ As a result, any data purporting to compare the athletic abilities of cisgender girls and cisgender boys simply does not apply to most transgender youth.

H.F. 2309 would also categorically exclude many nonbinary students who are neither boys nor girls. And the bill would exclude many intersex students, who are born

³⁵ CAP Report, *supra* note 32, at 17.

³⁶ CAP Report, *supra* note 32, at 15-16.

³⁷ *Id.* at 14-15.

³⁸ Team USA, *Simone Biles*, <https://www.teamusa.org/usa-gymnastics/athletes/Simone-Biles>; Women's National Basketball Association (WNBA), *Brittney Griner*, <https://www.wnba.com/player/brittney-griner>.

³⁹ Team USA, *supra* note 38; WNBA, *supra* note 38.

⁴⁰ See, e.g., *Hecox*, 479 F. Supp. 3d at 980 (finding that "there is a population of transgender girls who, as a result of puberty blockers at the start of puberty and gender affirming hormone therapy afterward, never go through a typical male puberty at all").

with physical traits that do not conform to binary notions of “male” or “female” bodies and whose sex assigned at birth may be different from the gender identity they have known and lived their whole lives.

Black and brown girls—who are routinely targeted for not conforming to society’s expectations of white femininity—would be especially vulnerable to the gender scrutiny invited by H.F. 2309. For example, Serena Williams, a cisgender Black woman, has faced decades of dehumanization, including invasive questions about her gender.⁴¹ Gender- and race-based stereotypes, which frequently impute a greater perception of culpability onto Black women, have also caused Williams to be subjected to “randomized” drug-testing at a much higher rate than her white peers.⁴² In 2018, Williams was even docked a full game point in 2018 for expressing frustration in an insufficiently “feminine” manner.⁴³ By relying on overbroad stereotypes about transgender girls’ and women’s bodies, H.F. 2309 would perpetuate harmful racist and sexist stereotypes that routinely deprive Black and brown girls and women of equal athletic opportunities.

6. H.F. 2309 does nothing to address the many real and urgent problems of sex discrimination in athletics.

Girls face numerous actual gender disparities in school sports that H.F. 2309 fails to address. High school girls receive over 1 million fewer opportunities than boys to participate in sports.⁴⁴ Girls’ teams across the country are given second-class treatment by their schools when it comes to facilities, equipment, travel, and other benefits and services, and they have been hit especially hard by the COVID-19 pandemic.⁴⁵ Girls of color also receive far fewer chances to play on school sports teams than boys and white girls.⁴⁶ And as brought to light in high-profile cases like Larry Nassar’s, student athletes

⁴¹ Lydia Slater, *Queen Serena: The power and the glory*, HARPER’S BAZAAR (May 30, 2018), <https://www.harpersbazaar.com/uk/fashion/fashion-news/a20961002/serena-williams-july-issue-cover-shoot> (“People would say I was born a guy, all because of my arms, or because I’m strong”).

⁴² *Serena Williams, drug tested more than other top players this year, cites “discrimination”*, CBS NEWS (July 25, 2018), <https://www.cbsnews.com/news/serena-williams-doping-tests-more-often-than-other-top-players-cites-discrimination>.

⁴³ Ritu Prasad, *Serena Williams and the trope of the ‘angry black woman’*, GUARDIAN (Sept. 11, 2018), <https://www.bbc.com/news/world-us-canada-45476500>.

⁴⁴ Women’s Sports Foundation, *Chasing Equity: The Triumphs, Challenges, and Opportunities in Sports for Girls and Women* (2020), https://www.womenssportsfoundation.org/articles_and_report/chasing-equity-the-triumphs-challenges-and-opportunities-in-sports-for-girls-and-women.

⁴⁵ United Nations Women, *COVID-19, Women, Girls and Sport: Build Back Better*, (2020), <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/brief-covid-19-women-girls-and-sport-en.pdf>.

⁴⁶ National Women’s Law Center, *Finishing Last: Girls of Color and School Sports Opportunities* 1 (2015), <https://nwlc.org/resources/finishing-last>.

of all ages and genders face high levels of gender-based verbal harassment and sexual abuse, at the hands of their teammates, coaches, and physicians.⁴⁷

Banning transgender girls from school sports solves none of these urgent problems of sex discrimination. In fact, as mentioned above, anti-transgender bans have been linked to *lower* athletics participation by cisgender girls and *higher* rates of sexual assault of transgender girls.⁴⁸ H.F. 2309 claims to protect girls in sports, but it does the exact opposite by using “fairness in girls’ sports” as a cudgel against transgender girls—while inadvertently harming cisgender girls as well. Iowa legislators should not let this bill distract them from taking meaningful steps to close the gender and racial disparities in athletics and protect student athletes from sexual abuse.

7. Women’s rights organizations overwhelmingly support full inclusion of transgender students in school sports.

In recent years, women’s rights organizations and elite athletes have repeatedly voiced their unequivocal support of transgender inclusion in athletics:

- In March 2021, 94 women’s rights and gender justice organizations expressed their support of transgender girls and women athletes.⁴⁹
- In February 2021, the National Coalition for Women and Girls in Education—which includes organizations like American Association of University Women (AAUW), Girls Inc., and YWCA USA—issued a statement announcing the coalition’s support of transgender and nonbinary students’ “full and equal access to sex-separated activities and facilities consistent with their gender identity, including athletics teams.”⁵⁰

⁴⁷ See, e.g., Aaron Slone Jeckell *et al.*, *The Spectrum of Hazing and Peer Sexual Abuse in Sports: A Current Perspective*, 10(6) *SPORTS HEALTH* 558, 560 (Dec. 2018), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6204631> (estimating that up to 48% of athletes experience some kind of sexual mistreatment); Julie Mack & Emily Lawler, *MSU doctor’s alleged victims talked for 20 years. Was anyone listening?*, *MLIVE* (Feb. 8, 2017), https://www.mlive.com/news/index.ssf/page/msu_doctor_alleged_sexual_assault.html.

⁴⁸ See *supra* notes 9-10, 36-37 and accompanying text.

⁴⁹ Statement of Women’s Rights and Gender Justice Organizations in Support of the Equality Act (Mar. 16, 2021).

⁵⁰ National Coalition for Women and Girls in Education, *NCWGE Supports Transgender and Nonbinary Students’ Full and Equal Participation in All Education Programs and Activities* (Feb. 12, 2021), <https://www.ncwge.org/activities.html>.

- In December 2020, Billie Jean King, Megan Rapinoe, and Candace Parker joined nearly 200 athletes in an amicus brief opposing the Idaho anti-transgender sports ban.⁵¹
- In April 2019, 23 national women’s rights and gender justice organizations issued a public letter in support of “Full and Equal Access to Participation in Athletics for Transgender People,” including the National Organization for Women, Women Leaders in College Sports, and Women’s Sports Foundation.⁵²

The National Women’s Law Center supports the full inclusion of transgender girls in sports because we recognize, as courts and scientists overwhelmingly have stated, that transgender girls *are* girls. Youth who are transgender join sports for the same reasons that all young people do: to have fun, challenge themselves, and be part of a team where they feel included and accepted. And in the instances where a transgender girl is successful in her sport, we celebrate her victory as a victory for all girls.

* * *

A few years ago, anti-transgender bills were focused on the supposed threat of transgender girls and women in restrooms. Now they are focused on the supposed threat of transgender girls and women in athletics. None of the threats fearmongered by supporters of the restroom bills came to pass⁵³ because transgender girls and women use restrooms for the same reason as everyone else: to go to the restroom and go about their day. Likewise, none of the purported threats to girls and women’s athletics posed by transgender inclusion are rooted in reality.

⁵¹ Lambda Legal, *Billie Jean King, Megan Rapinoe, and Candace Parker Join Nearly 200 Athletes Supporting Trans Youth Participation in Sports* (Dec. 21, 2020), https://www.lambdalegal.org/news/id_20201221_billie-jean-king-megan-rapinoe-and-candace-parker.

⁵² *Statement of Women’s Rights and Gender Justice Organizations in Support of Full and Equal Access to Participation in Athletics for Transgender People* (Apr. 9, 2019), <https://nwlc.org/wp-content/uploads/2019/04/Womens-Groups-Sign-on-Letter-Trans-Sports-4.9.19.pdf>.

⁵³ See, e.g., Stephanie Ebbert, *Study finds no link between transgender rights law and bathroom crimes*, BOSTON GLOBE (Sept. 12, 2018), <https://www.bostonglobe.com/news/politics/2018/09/12/study-refutes-link-between-restroom-crime-and-transgender-access/5am4LMI1IHecGvJTW4MBqN/story.html>.

Students who are transgender deserve the chance to succeed and thrive like any other student. We urge you to vote no on H.F. 2309.

Thank you,



Elizabeth Tang



Auden J. Perino

Senior Counsels for Education and Workplace Justice
National Women's Law Center

Name: Sam Ames

Comment: Please see attached testimony from The Trevor Project, in strong opposition to HF 2309.



For Young LGBTQ Lives

Testimony: Iowa HF 2309, February 9, 2022

Members of the House Committee on Education, The Trevor Project would like to thank you for the opportunity to express our strong opposition to HF 2309, a harmful bill which would effectively ban transgender youth from participating in school sports, denying them the health benefits and valuable life lessons of being part of a team and threatening their mental health.

The Trevor Project is the world's largest suicide prevention and crisis intervention organization for lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) young people. We work to save young lives by providing free and confidential crisis services via a 24/7 phone lifeline, chat, and text. We also operate TrevorSpace, the largest safe space social networking site for LGBTQ youth, as well as innovative education, research, and advocacy programs.

At The Trevor Project, we hear every day from transgender youth in crisis who want nothing more than to be recognized for who they are. Based on our research and the stories our crisis services team hears firsthand, we know that respecting and affirming a young person's identity is essential to their mental health and well-being. The Trevor Project's telephone lifeline and chat and messaging crisis services are routinely contacted by transgender youth expressing the positive impact of sports participation, as well as the heartbreaking effects of exclusion.

Denying transgender youth the ability to participate in sports increases the kind of social isolation and stigma that contributes to self-harm and suicide risk. Conversely, our research has shown that participating in sports has positive effects, as LGBTQ young athletes reported nearly 20% lower rates of depressive symptoms compared to non-athletes, and more than a quarter of transgender and nonbinary youth (27%) who participated in sports reported their grades as being mostly A's compared to 19% who did not.¹

¹ The Well-being of LGBTQ Youth Athletes (August 2020)

<https://www.thetrevorproject.org/wp-content/uploads/2020/08/LGBTQ-Youth-Sports-and-Well-Being-Research-Brief.pdf>

Additionally, research shows that denying equal access to school activities adds to the discrimination transgender and nonbinary youth experience, exposing them to an increased risk of experiencing depressed mood, seriously considering suicide, and attempting suicide.² Research from The Trevor Project published in September 2021 found that most LGBTQ youth don't participate in sports (68%), and many choose not to out of fear of discrimination or bullying for being LGBTQ.³ Further, Trevor's 2021 National Survey on LGBTQ Youth Mental Health found that transgender and nonbinary youth who reported their school to be gender-affirming reported lower rates of attempting suicide compared to those who did not.⁴

Finally, we hope the legislature will keep in mind the effect of its actions on LGBTQ youth mental health directly; this past year, more than half of transgender and nonbinary youth seriously considered suicide and 1 in 5 attempted suicide.⁵ According to a recent national poll, three-quarters of LGBTQ youth are following recent news about issues that impact the transgender community. When asked how the debate about this legislation is affecting them, more than four in five transgender and nonbinary (85%) report it has impacted their mental health negatively, causing them to feel stressed, nervous, or scared. 71% of transgender and nonbinary youth actually feel scared about their future.⁶

Recent research has also found that when transgender youth are supported and affirmed, they benefit significantly. For example, one study found that “allowing children to present in everyday life as their gender identity rather than their natal sex is associated with developmentally normative levels of depression and anxiety.”⁷ When transgender youth are supported by their families, there is “clear evidence that transgender children have levels of anxiety and depression no different from their nontransgender siblings.”⁸ Transgender students experience a greater rates of

² Price-Feeney, Green, and Dorison, “Understanding the Mental Health of Transgender and Nonbinary Youth.” *Journal of Adolescent Health*, 2020.

³ The Trevor Project (2021). Research Brief: LGBTQ Youth Sports Participation. Available at <https://www.thetrevorproject.org/research-briefs/lgbtq-youth-sports-participation-2/>

⁴ The Trevor Project. “National Survey on LGBTQ Youth Mental Health 2021,” May 19, 2021. <https://www.thetrevorproject.org/survey-2021/>

⁵ The Trevor Project. “National Survey on LGBTQ Youth Mental Health 2021,” May 19, 2021. <https://www.thetrevorproject.org/survey-2021/>

⁶ Morning Consult. “Issues Affecting LGBTQ Youth: Polling Analysis,” January, 2022. https://www.thetrevorproject.org/wp-content/uploads/2022/01/TrevorProject_Public1.pdf.

⁷ Kristina R. Olson et al., *Mental Health of Transgender Children Who Are Supported in Their Identities*, 137 *Pediatrics* 1, 5, 7 (2016), <https://pediatrics.aappublications.org/content/pediatrics/137/3/e20153223.full.pdf>.

⁸ *Id.* at 7.

emotional distress not because of their gender identity, but because of persistent discrimination and stigma from society - of which this bill and the debating surrounding it are a part.

Legislation like HF 2309 is neither necessary nor helpful. We can both celebrate girls' athletics and protect transgender youth from discrimination at the same time, ensuring that all young people can access the benefits that sports afford.

For these reasons, The Trevor Project asks that you please oppose HF 2309. Thank you.

Name:

Sam Ames

Comment:

Please see attached testimony of The Trevor Project, in strong opposition to HF 2309. Members of the House Committee on Education, The Trevor Project would like to thank you for the opportunity to express our strong opposition to HF 2309, a harmful bill which would effectively ban transgender youth from participating in school sports, denying them the health benefits and valuable life lessons of being part of a team and threatening their mental health. The Trevor Project is the world's largest suicide prevention and crisis intervention organization for lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) young people. We work to save young lives by providing free and confidential crisis services via a 24/7 phone lifeline, chat, and text. We also operate TrevorSpace, the largest safe space social networking site for LGBTQ youth, as well as innovative education, research, and advocacy programs. At The Trevor Project, we hear every day from transgender youth in crisis who want nothing more than to be recognized for who they are. Based on our research and the stories our crisis services team hears firsthand, we know that respecting and affirming a young person's identity is essential to their mental health and wellbeing. The Trevor Project's telephone lifeline and chat and messaging crisis services are routinely contacted by transgender youth expressing the positive impact of sports participation, as well as the heartbreaking effects of exclusion. Denying transgender youth the ability to participate in sports increases the kind of social isolation and stigma that contributes to self-harm and suicide risk. Conversely, our research has shown that participating in sports has positive effects, as LGBTQ young athletes reported nearly 20% lower rates of depressive symptoms compared to nonathletes, and more than a quarter of transgender and nonbinary youth (27%) who participated in sports reported their grades as being mostly As compared to 19% who did not. Additionally, research shows that denying equal access to school activities adds to the discrimination transgender and nonbinary youth experience, exposing them to an increased risk of experiencing depressed mood, seriously considering suicide, and attempting suicide. Research from The Trevor Project published in September 2021 found that most LGBTQ youth don't participate in sports (68%), and many choose not to out of fear of discrimination or bullying for being LGBTQ. Further, Trevor's 2021 National Survey on LGBTQ Youth Mental Health found that transgender and nonbinary youth who reported their school to be gender-affirming reported lower rates of attempting suicide compared to those who did not. Finally, we hope the legislature will keep in mind the effect of its actions on LGBTQ youth mental health directly; this past year, more than half of transgender and nonbinary youth seriously considered suicide and 1 in 5 attempted suicide. According to a recent national poll, three-quarters of LGBTQ youth are following recent news about issues that impact the transgender community. When asked how the debate about this legislation is affecting them, more than four in five transgender and nonbinary (85%) report it has impacted their mental health negatively, causing them to feel stressed, nervous, or scared. 71% of transgender and nonbinary youth actually feel scared about their future. Recent research has also found that when transgender youth are supported and affirmed, they benefit significantly. For example, one study found that allowing children to present in everyday life as their gender identity rather than their natal sex is associated with developmentally normative levels of depression and anxiety. When transgender youth are supported by their families, there is clear evidence that transgender children have levels of anxiety and depression no different from their nontransgender siblings. Transgender students experience a greater rate of emotional distress not because of their gender identity, but because of persistent discrimination and stigma from society of which this bill and the debating surrounding it are a part. Legislation like HF 2309 is neither necessary nor helpful. We can both celebrate girls athletics and protect transgender youth from discrimination at the same time, ensuring that all young people can access the benefits that sports afford. For these reasons, The Trevor Project asks that you please oppose HF 2309. Thank you.

