

The New York State Bar LGBTQ+ Law Section

Memorandum in Support of the Report and Recommendations of the New York State Bar Association Task Force on the Treatment of Transgender Youth in Sports (June 2024)

The Report of the New York State Bar Association Task Force on the Treatment of Transgender Youth in Sports (the “Report”) is a straightforward and compelling summary of the impact of permitting or prohibiting Trans¹ youth to participate in sports. The Report relies on studies and fact-based assertions, and dispels false and inflammatory rhetoric, to conclude that it is both unjust, and likely illegal, to exclude Trans people from the myriad benefits that derive from participating in youth sports. For the reasons summarized below, the NYSBA LGBTQ+ Law Section supports the Report and Recommendations of the Task Force.

As noted in the Report, sports participation plays a very important role in protecting the mental, physical, and emotional health of children in grades K-12. Depriving Trans youth from participation has the potential to be particularly harmful, especially given that they are more likely to face bullying and social isolation from their classmates and to experience a higher risk of suicide ideation and attempts. *Id.* at 7-8, 10-11. Not surprisingly, these same youth benefit in all aspects of their well-being – including fewer physical and mental health issues –when given the opportunity to participate in school sports. *See id.* at 8, 9-15.

The Report also dispels the ill-informed myth that Trans athletes are of such large numbers or are winning competitions to the detriment of cisgender athletes. *See id.* at 11-13. Rather, sponsors of insidious anti-Trans policies have been unable to name a single Trans student who has won championships or has taken opportunities from their cisgender peers.

Against this backdrop, there is no justification for legislation or policies that seek to exclude Trans youth from sports. Indeed, leading healthcare organizations, including the American Medical Association, the American Academy of Pediatrics, and the American Psychiatric Association, have adopted policies supporting the inclusion of Trans youth in sports activities. Major U.S. corporations, including Apple, Amazon, Dell Technologies, Google, and Verizon oppose anti-LGBTQ+ legislation, including proposals that would affect access by Trans youth to student sports. *Id.* at 10. And, according to a 2021 poll, 70% of the American public also opposes such bills. *Id.* at 9-10.

As concluded by the Task Force’s Report, barring Trans youth from sports, as intended by growing numbers of jurisdictions – including within New York State – is illogical, unnecessary, and cruel. Indeed, all Trans youth want is to enjoy the benefits that come with participating in sports. Protecting this need and this right causes no harm to others.

For the reasons expressed throughout this Memorandum in Support, as members of NYSBA, which has repeatedly adopted positions in support of the rights of LGBTQ+ individuals and against discrimination, *id.* at 3, 8, and in particular as members of LGBTQ+ Law Section, we urge the House of Delegates to adopt the Task Force Report and its Resolutions opposing legislative, regulatory, or judicial efforts to

¹ We use the word “Trans” for ease of reference for individuals who identify as transgender, nonbinary, intersex, or gender non-conforming, but recognize that each are unique and different.

restrict the “participation of Trans youth in school sports programs appropriate to the gender in which they live, in full equality and on the same terms with students assigned such gender at birth.”