



TESTIMONY TO THE SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

SB 381 Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness In Girls' Sports Act)

POSITION: Oppose

BY: Linda T. Kohn, President

Date: February 7, 2024

The League of Women Voters of Maryland (LWVMD) is a nonpartisan organization that works to influence public policy through education and advocacy. At the 2020 LWVUS Convention, delegates voted to amend the LWVUS bylaws to include the League's commitment to its [Diversity, Equity, and Inclusion \(DEI\) Policy](#) in Article II as one of the foundational policies of the organization alongside the Political Policy (also referred to as the [Nonpartisan Policy](#)). In addition, the League of Women Voters of the United States joined an [amicus brief](#) challenging an Idaho law that would bar all women and girls who are transgender and some intersex women and girls, from participating on school sports teams consistent with their gender identity.

LWVMD opposes **SB 381 Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness In Girls' Sports Act)** because it requires that men's or women's sports teams be based only on biological sex. This discriminates against transgender students, depriving them of the benefits of participating in sports. As stated in the [amicus brief](#) (p. 6), "Sports participation enhances women and girls' physical health and emotional and psychological well-being, improves their educational prospects, and expands their social networks. These benefits are especially important for girls who are transgender and intersex—who are at heightened risk for feelings of isolation, discrimination, harassment and low self-esteem—and they should not be excluded from these critical opportunities."

Also, Title IX's prohibition on sex discrimination applies to discrimination against transgender students. The Departments of Justice and Education have made it clear that Title IX's prohibition on sex discrimination applies to discrimination against transgender students. In June 2021, the departments released a factsheet on [Confronting Anti-LGBTQI+ Harassment in Schools](#). The factsheet provides examples of illegal discrimination against transgender students, including prohibiting them from participating in sex-segregated activities that align with their gender identity, and instructs families on how to file complaints. They also filed a [brief](#) in support of transgender students who filed a lawsuit challenging a West Virginia state law that bans transgender girls from playing on girls' sports teams. They argued that the West Virginia law not only violates Title IX, but is unconstitutional because it violates the Equal Protection Clause of the Fourteenth Amendment.

Passing SB 381 would force Maryland schools to choose between violating Maryland law and violating Title IX. Please give an unfavorable report to SB 381.