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PIAA March 26, 2025 Board Meeting

Education Law Center-PA Senior Attorney Kristina Moon

Good afternoon. My name is Kristina Moon, I am a senior attorney with Education Law Center Pennsylvania. ELC’s mission is to ensure all children in Pennsylvania have access to a quality public education.

I join the comments from Women’s Law Project and reiterate that an executive order cannot be relied upon as legal support for a PIAA policy banning trans student athletes from playing. The EO does not have the force of law and cannot undo the state and federal law that requires equal access for trans students in our schools. The EO is being directly challenged as unconstitutional in a lawsuit brought by students and families in New Hampshire.¹ A federal district court judge in Pennsylvania noted in court on March 4, 2025 that the “executive order specifically says it does not change the law” and rejected a cisgender student athlete plaintiff’s request for a broad ban on transgender students playing sports.²

Some people claim that trans kids must be banned from playing because they all have some physical advantage that is “unfair.” But anti-trans sports bans ignore the reality that any parent or coach knows very well -- there are (and have always been) wide variations in physical characteristics among young people who play sports. This is especially true during formative school-age years as young people are rapidly growing, and their bodies are undergoing tremendous developmental changes at varying rates of speed and in different school years. Like all other youth, trans youth are short and tall, athletic and non-athletic, fast and slow. For example, the teammates of one transgender student athlete at Colonial SD named Luce share:

- *My teammates and I have always been in close competition with Luce. Some reps I am faster, some reps Luce is faster. Like any competitive high school runner, we all strive to push each other to be better and that has been reflected in our practices and meets. At dual meets and invitationals, I have both run with Luce in relays and against Luce in open races. Just as in practice, there are races where I have run faster and ranked higher than Luce and days where I have not. In my entire time of competing for PW, I have never felt like any of my meets or races have been unfair because of Luce's participation.*
- *Luce does not win every day. Like the rest of the team, she has lost many races, failed to complete hard workouts, and struggled to balance the difficulties of sports and school work. However, she puts 100% into every rep and pushes the team to reach their limits and achieve their goals. Luce being trans has never been an issue, and we do not view her any differently than everyone else on our team.*

Restricting trans students from playing does nothing to “protect girls rights” – and unclear direction to schools only heightens the risk of violating students’ privacy rights and discriminatory investigations for all girls who play sports. There is no evidence that permitting transgender and intersex students to play on sports teams aligned with their gender identity harms anyone. An analysis of CDC data found that there was no negative impact on the participation of girls and women in school sports in states that had implemented trans-inclusive state athletics policies.³ In fact, evidence from California and Connecticut suggests that trans-inclusive policies are correlated with increased participation of girls in school sports.⁴ In contrast, where states enacted trans-exclusionary policies, girls’ overall participation in high school sports declined.⁵ Moreover, anti-trans sports bans and restrictions only codify sexist stereotypes of how girl athletes *should* look or play, which promotes body policing of any student that deviates from a narrow ideal of femininity – and that doesn’t help any young girls and women. Students, families and civil rights advocates do not consent to school administrators’ or policymakers’ invasive questions and investigations of girls’ bodies and privacy that would be required to police the mandates of a ban.

The many benefits of playing sports must be available to all students. As you all know well, research shows that playing sports is associated with many positives including higher grades and standardized test scores, higher rates of school completion;⁶ and playing sports teaches students about teamwork, helps build their leadership skills, and provides a sense of belonging among peers, and connectedness to the school community.⁷ Preventing transgender students from playing school sports based solely on the fact that they are transgender or nonbinary is a form of sex discrimination that exacerbates the poor educational and mental health outcomes for which they are already at risk due to the significant rates of in-school and out-of-school victimization they face.⁸ As Assistant Coach Jones at Plymouth Whitemarsh High School shared, transgender student athletes are *“living their truth with courage and authenticity – something that should be recognized and protected, not debated or denied. Inclusion in sports is not just a policy decision; it is a matter of humanity. Every student deserves the right to participate in the sport they love without fear of discrimination or exclusion based on their identity.”*

We urge you to clarify that PIAA’s policy permits trans students to play.

¹ See, Students and families move to challenge Trump executive order banning transgender sports participation (Feb. 12, 2025), <https://www.aclu-nh.org/en/press-releases/students-and-families-move-challenge-trump-executive-order-banning-transgender-sports>

² See, A federal judge rejected a Quakertown student’s motion to bar transgender athletes from girls’ sports (Mar. 4, 2025), <https://www.inquirer.com/education/trans-athlete-quakertown-colonial-plymouth-whitemarsh-20250304.html>

³ Shoshana K. Goldberg, “Fair Play: The Importance of Sports Participation for Transgender Youth,” Center for American Progress (February 8, 2021), 14-16, <https://www.americanprogress.org/issues/lgbtq-rights/reports/2021/02/08/495502/fair-play>. Florida and South Carolina have since passed anti-trans youth athlete laws, however, these were not implemented at the time of this analysis and would not affect the findings of this

study. See GLSEN and TransAthlete.com (2022). Navigator: Trans and Nonbinary Athletic Inclusion Policies. <https://maps.glsen.org/trans-and-nonbinary-athletic-inclusion-policies/>.

⁴ Goldberg, “Fair Play,” 14-16 (Feb. 8, 2021).

⁵ *Id.* at 14-15.

⁶ Nat’l Coalition for Women and Girls in Education, *Title IX at 45: Advancing Opportunity through Equity in Education* 41 (2017), <https://www.ncwge.org/TitleIX45/Title%20IX%20at%2045-Advancing%20Opportunity%20through%20Equity%20in%20Education.pdf>.

⁷ See, e.g., *id.* at 42; Stacy M. Warner et al., *Examining Sense of Community in Sport: Developing the Multidimensional 'SCS' Scale*, 27 J. OF SPORT MANAGEMENT 349, 349–50 (2013); R. Bailey, *Physical education and sport in schools: A Review of benefits and outcomes*, 76 J. OF SCHOOL HEALTH 397–401 (2006); M. R. Eime et al., *A systematic review of the psychological and social benefits of participation in sport for children and adolescents: Informing development of a conceptual model of health through sport*, 10 INT’L J. OF BEHAVIORAL NUTRITION & PHYSICAL ACTIVITY 98 (2013).

⁸ In a national survey of LGBTQ+ students, an alarming number of students reported being harassed because of their LGBTQ+ status, with an overwhelming majority of all students (76.1%) reporting experiencing verbal harassment on this basis, and over one-third of students (31.2%) reporting physical harassment on this basis. This hostility in turn impacts students’ academic outcomes: many students reported not having plans to finish school, with 51.5% of students reporting hostile school climate (e.g., harassment and transphobic policies) as the reason they did not plan to graduate. See GLSEN, *The 2021 National School Climate Survey: The Experiences of LGBTQ+ Youth in Our Nation’s Schools* 19, 34 (2022), <https://www.glsen.org/sites/default/files/2022-10/NSCS-2021-Full-Report.pdf>.