

Attorney General Raoul Supports Federal Effort To Protect Transgender Athletes

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SPRINGFIELD - Attorney General Kwame Raoul today joined a coalition of 12 attorneys general in support of robust anti-discrimination protections for transgender students. Raoul and the coalition submitted a comment letter to U.S. Department of Education Secretary Miguel Cardona expressing support for aspects of a proposed

national rule that would prohibit schools from excluding transgender students from school sports at institutions that receive federal funding.

The Department of Education has proposed a rule that would clarify how schools receiving federal funding can remain in compliance with Title IX, a federal civil rights statute, when determining a transgender student's eligibility to participate on school athletic teams.

“Transgender students should be afforded the same extracurricular opportunities as their peers,” Raoul said. “I will continue to fight to ensure young people who are transgender can join and participate in the full spectrum of school activities consistent with their gender identity and free from discrimination.”

[In their comment letter](#), Raoul and the coalition recommend revisions to the rule that would, at a minimum, guarantee the inclusion of all transgender students in school sports until they reach the level of elite college athletics. Raoul and the coalition urge the federal government to require that schools receiving federal funding permit transgender students to participate in athletics consistent with their gender identity at the elementary, middle and high school levels, and college intramurals, and to provide minimum nondiscrimination protections at all levels.

Raoul and the coalition also urge the federal government to make clear that the proposed rules under Title IX do not prohibit states from establishing broader protections for transgender athletes under their own state anti-discrimination laws.

Title IX prohibits discrimination on the basis of sex in federally-funded education programs or activities. Significant recent legal developments related to the interpretation of Title IX underscore Department of Education's need to clarify that Title IX's broad prohibition against differential treatment on the basis of sex includes discrimination based on gender identity. Federal appeals courts have recognized that Title IX's prohibition against sex discrimination bars discrimination against transgender students.

Raoul and the coalition highlight there are an estimated 300,000 transgender youth between the ages of 13 and 17 in the United States. The coalition makes clear that discrimination and exclusion on the basis of transgender status causes tangible and real educational, economic, emotional and health harms – harms that are particularly grave for transgender young people, who already face heightened rates of depression, substance use disorders and suicide.

The coalition also explains that equal access to athletics can play a critical role in education and offers many educational benefits. Athletic participation has been linked to academic achievement and improved academic performance, and transgender students

who participate in sports experience similar outcomes to their cisgender peers. The coalition recognizes that these benefits enhance students' well-being and facilitate their ability to learn.

In their letter, Raoul and the coalition made recommendations to better effectuate Title IX's broad protections against discrimination, including:

- Prohibiting schools from relying on alleged fairness or safety concerns to disallow transgender students from participating consistent with their gender identity, at a minimum, at the elementary school, middle school, high school and intramural college sports levels.
- Requiring schools to rely on student self-identification to determine whether a student is transgender, and eliminating requirements such as blood testing, physical examinations, medical documentation or medication interventions, or reliance on government-issued identification documents, for transgender youth to participate fully in sports.
- Specifying that the federal rule allows more protective state policies.

Joining Raoul in filing the comment letter are the attorneys general of California, Hawaii, Maine, Massachusetts, Minnesota, New Jersey, New York, Oregon, Rhode Island, Vermont and Washington.