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## Keywords

transgender, policy, education policy, sports, sports education

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# “Breaking Boundaries: A Critical Trans Framework Analysis of Anti-Transgender Sports Policies in Education

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**Abstract:** The ongoing debate over transgender athletes’ participation in sports reflects a broader history of LGBTQ exclusion and discrimination in education. Historical purges of LGBTQ teachers and students fostered systemic heterosexism and homophobia, shaping contemporary policies that marginalize transgender individuals. Despite legal advancements, legislative efforts to restrict transgender students’ access to sports, bathrooms, and medical care persist, reinforcing harmful stereotypes and epistemic injustice. This policy analysis applies a critical trans framework to examine the impact of anti-transgender sports legislation on K-20 students, emphasizing its intersections with racism, ableism, and classism. We argue that these policies reinforce restrictive gender norms and disproportionately harm multi-marginalized transgender students. By highlighting the broader implications for education, athletics, and society, this analysis provides insights for developing more inclusive and equitable policies that affirm transgender students’ rights and participation in sports.

**Keywords:** transgender, sports, education, education policy, inclusion

## Introduction

The discourse surrounding transgender athletes’ participation in sports is rooted in a broader history of LGBTQ exclusion and discrimination in education. Historical purges of gay and lesbian teachers (Graves, 2009) and students (Wright, 2005) are well-documented in the United States (Nash & Silverman, 2015). Research shows that these purges, along with discriminatory practices like the dismissal of LGBTQ teachers, have perpetuated systemic heterosexism and homophobia in schools (Nash & Silverman, 2015; Pascoe, 2007). During the Lavender Scare of the 1950s and 1960s, thousands of LGBTQ individuals, including teachers, were removed from public service due to unfounded fears about their fitness for employment (Johnson, 2004). These purges fostered a culture of criminalization, silence, and invisibility that still impacts LGBTQ individuals in education today.

In recent years, the rights and experiences of transgender individuals have come to the forefront of public discourse, with sports participation becoming a particularly contested issue. Several states have enacted legislation targeting transgender athletes, framing their inclusion as a threat to the safety, privacy, or religious freedoms of cisgender students. This rhetoric perpetuates harmful, historically rooted stereotypes that portray transgender individuals as predators. Despite legal progress for LGBTQ rights in schools (GLSEN, n.d.), discriminatory ideologies persist, especially against transgender students. Current efforts to restrict their participation in sports are part of broader campaigns to eliminate diversity, equity, and inclusion initiatives in education (Russell et al., 2018).

At the time of writing, 19 legislative bills in nine states have passed, restricting transgender students’ access to gender-affirming spaces and opportunities, including sports, bathrooms, and medical treatment. These bills have sparked widespread controversy, with many arguing that they violate the rights of transgender students and perpetuate harmful discrimination. This policy analysis examines the impact of anti-transgender sports legislation through a critical trans framework for education (Kean, 2021). We explore how such policies enforce gender norms, intersect with other forms of oppression (e.g., racism, ableism, classism), and disproportionately affect multi-marginalized transgender students. We argue that these policies are rooted in historical and contemporary epistemic injustice, systematically erasing transgender students’ voices and experiences. By critically analyzing these laws, we highlight their broader implications for education, athletics, and society, aiming to provide insights for creating more inclusive, equitable policies. The following questions guide this analysis: Through a critical trans framework, how do anti-transgender sports policies impact K-20 students, and what recommendations can be made for future sports policies to be more inclusive?

## Policy Context

Anti-transgender policies introduced into legislation are part of a broader historical and systemic effort in the U.S. to restrict marginalized groups’ rights. These policies, alongside Deferred Action for Childhood Arrivals (DACA) retractions, Critical Race Theory (CRT) bans, and the dismantling of diversity, equity, and inclusion (DEI) initiatives, are elements of a larger political agenda aimed at advancing right-wing

ideologies (Leonardo, 2020; Vue et al., 2024). These actions are rooted in a longstanding cisgender, able-bodied, white supremacist logic (Fischer, 2023; Leonardo, 2020) that transcends the specific political climate of any era. Scholars argue that these anti-transgender sports policies are not only transphobic but also inherently racist, reflecting historical and ongoing discrimination against Black women for being perceived as "too masculine" (Harrison & Michelson, 2018). Black women—whether cisgender, transgender, or intersex—have long been subjected to shifting standards that penalize their competitive talents (Blazer, 2023; Harrison & Michelson, 2018).

Despite the increasing outrage directed at transgender youth in sports, lawmakers supporting these anti-transgender policies have often failed to identify specific instances of transgender athletes competing in local sports (Crary & Whitehurst, 2021). The lack of examples suggests that legislation is more of a response to growing legal protections for transgender individuals nationwide. These protections are often framed by opponents as "special treatment" for marginalized groups, reflecting a broader trend of race-evasive and gender-evasive logic (Bonilla-Silva, 2006). Such ideologies refuse to acknowledge the existence of racism and discrimination, instead portraying cisgender individuals as victims under attack (Jayakumar, 2022; Leonardo, 2020; Vue et al., 2024, Woo et al., 2023). In the context of gender, this manifests as a fear that transgender people threaten the sanctity of "cisgender-only" spaces, perpetuating marginalization by treating their inclusion as a violation of societal norms. This tactic echoes the "separate but equal" rationale of segregation, ultimately reinforcing the idea that diversity in public spaces poses a threat to traditional power structures. The criminalization of transgender individuals has deep roots in American history, dating back to laws such as the 1863 San Francisco Board of Supervisors legislation that banned people from wearing clothes that did not match their assigned sex at birth (Sears, 2014). Today states like Florida and Utah continue this legacy by passing laws that criminalize transgender people's use of public facilities consistent with their gender identity. These policies reflect a broader pattern of using legislation to control the visibility of transgender people and other marginalized groups.

Anti-transgender sports legislation parallels these efforts by barring transgender athletes from competing according to their gender identity. These measures aim to further marginalize transgender individuals and restrict their presence in public life, echoing the same tactics used to limit discussions of race and gender in education through CRT bans (Vue et al., 2024). By curbing discourse around diversity, equity, and inclusion, these policies create a chilling effect on educators and students alike (Vue et al., 2024), undermining the push for more inclusive schools and communities. While much of this legislation focuses on K-12 education, some policies extend to higher education. Bills like North Dakota HB 1489, Texas SB 15, and Missouri SB 39 propose withholding funds or

imposing fines on public universities that fail to comply with anti-transgender standards, further curtailing inclusivity and equity efforts (Vue et al., 2024). The U.S. Department of Education (2023) has stated that such bans violate Title IX when they categorically exclude transgender students from participating in sports consistent with their gender identity. In both the context of CRT bans and anti-transgender legislation, these measures represent a concerted effort to dismantle progress toward equity and inclusion in education and public life.

### *A Critical Trans Framework for Education*

Trans-antagonism, historically situated as a social and political phenomenon, functions as a tool for enforcing cisnormativity through coercive practices (Porter, 2024). Recognizing this phenomenon necessitates a broader examination that connects historical anti-trans ideologies to current legislation. By employing Kean's (2021) critical trans framework (CTF), we can identify systemic issues related to gender identity and expression, revealing the continuity of oppressive policies—from those enforcing racial segregation in schools, the banning of discussion of race and racism in schools, opposing the DACA program, to criminalizing and institutionalizing disabled students.

The critical trans framework builds on diverse scholarly contributions, including education, gender studies, and racial justice, and challenges traditional binaries and assumptions about gender and sexuality. It emphasizes counter-narratives, lived experiences, and the intersectionality of gender with race, ethnicity, and other social factors. Central to this framework is the acknowledgment of Black trans women's pivotal role in advancing gender justice, underscoring the importance of building relationships around shared struggles for liberation (Kean, 2021). CTF encompasses three core principles: 1) Gender operates on individual, institutional, and cultural levels, influenced by both personal characteristics and broader societal factors. 2) Genderism intersects with other systems of oppression, such as racism, classism, and ableism. 3) The critical importance of trans experiential knowledge, historically marginalized and dismissed, must be recognized and valued in implementing and introducing policy.

This framework, rooted in critical pedagogy and critical race theory (Delgado & Stefancic, 2017), challenges dominant power structures to create more just and equitable societies. It is also informed by queer and trans theories, which highlight the fluidity and diversity of gender and sexuality, emphasizing the need to challenge heteronormative and cisnormative assumptions (Butler, 2006; Jagose, 1996; Johnson, 2001; Muñoz, 2009). Examining anti-transgender sports legislation through a CTF encourages policymakers to acknowledge and incorporate the experiential knowledge of transgender athletes and students in decision-making processes. By understanding how such legislation perpetuates discrimination and marginalization, we can provide holistic recommendations for

creating safe and inclusive educational environments for transgender students in sports. This trans-centered approach addresses individual harms and engages in a deep structural and historical analysis, connecting various forms of oppression to advocate for systemic change (Kean, 2021).

### *Transgender Athlete Sports Participation*

Research on transgender individuals' participation in physical activity and sport (PAS) remains limited, with studies indicating that transgender people tend to be less active and report lower levels of social support than their cisgender counterparts (Jones et al., 2016; Lightner et al., 2024). Transgender participants are often small subsamples in broader LGBTQ studies, revealing lower participation rates and a heightened sense of exclusion from sports (Hartmann-Tews et al., 2021; Symons et al., 2010). These findings emphasize the need for more targeted research to understand transgender individuals' PAS participation and develop strategies to promote their inclusion (Hartmann-Tews et al., 2022; Pereira-García et al., 2021; Symons et al., 2010).

Devís-Devís et al. (2022) identified a range of personal and sociocultural barriers that hinder transgender individuals' engagement in PAS, including concerns about body appearance, managing the side effects of hormonal treatments, and discomfort in hyper-normative sports spaces. Lack of legal gender recognition and negative experiences in gender-segregated school physical education (PE) further compound these challenges. Although some transgender individuals have found supportive environments in LGBTQ sports teams, many have felt excluded and stigmatized in mainstream PE and sports settings, underscoring the need for more inclusive spaces (Devís-Devís et al., 2022; Pereira-García et al., 2021; Pérez-Samaniego et al., 2018).

For transgender students, sports participation provides an essential opportunity for community building. Research highlights the significant influence of coaches and athletic administrators—those responsible for enforcing athletic policies—on transgender athletes' feelings of inclusion in sports (Hargie et al., 2017; Herrick et al., 2020; Sample, 2022). However, transgender athletes frequently report discomfort due to sociocultural barriers, such as social isolation in locker rooms and changing facilities (Cunningham et al., 2018). The passage of discriminatory bills exacerbates these issues by limiting access to gender-affirming spaces and supportive educators and stakeholders within schools. Hargie et al. (2017) found that approximately half of their participants refrained from using recreational facilities due to fears of rejection from peers. This social exclusion deprived them of the physical and psychological health benefits associated with sports participation, emphasizing the broader impact of inaccessible and non-affirming spaces.

The mental health implications of restricted sports participation for transgender students are significant. Studies show that engaging in physical activity can reduce symptoms of depression (Recchia et al., 2023) and promote overall psychological well-being. When denied access to sports, transgender students are more vulnerable to non-communicable diseases such as heart disease, addiction, and diabetes (Jones et al., 2016), as well as increased psychological health concerns (Logan & Cuff, 2019). Austin et al. (2022) conducted a quantitative study using a cross-sectional survey of transgender youth in the U.S. and Canada. They found that 82% of respondents had considered suicide and 40% had attempted suicide. Policies that restrict transgender students from participating in sports further exacerbate these mental health challenges by preventing access to the mental health benefits of sports participation.

When considering the intersection of race and gender, transgender students of color, particularly Black transgender students, experience disproportionately low levels of belonging and exclusion from campus opportunities, further increasing their risk of suicidal ideation and social isolation (Stewart & Nicolazzo, 2018; Truong et al., 2020). The negative experiences of transgender students in competitive sports or sports-related activities are magnified after the passage of anti-transgender policies (Jones et al., 2016). These exclusionary policies not only foster low self-esteem and isolation but also undermine spaces that should empower students and encourage collaboration.

Participation in extracurricular activities, including sports, reinforces lessons learned in the classroom, offering students opportunities to apply academic skills and providing a more holistic education, and becoming a source of empowerment (National Center for Education Statistics, 1995; Finn, 1993; García López & Kirk 2021). Furthermore, studies from the last decade show that participating in school sports, particularly team sports, leads to improved psychological and social health outcomes (Eime, 2013). The development of a positive body image through physical activity is another crucial benefit, as sports participation plays a direct role in body composition, influencing adolescents' self-perception of their body image (Fischetti et al., 2020; Greco, 2022; Latino et al., 2019). Transgender students, in particular, benefit both socially and physically from sports participation. Engaging in physical activity helps many transgender individuals align their bodies with their gender identities, which is especially important for those undergoing hormone treatments (Devís-Devís et al., 2022; Wierckx et al., 2012). The stress alleviation that comes from reduced marginalization in supportive environments further highlights the importance of sports participation for transgender students (HSE LGBT Health Sub Committee, 2009).

The body of research underscores the multifaceted benefits of sports participation for transgender students, from psychosocial well-being to physical health. However, the

exclusionary nature of current sports policies, particularly those restricting transgender students' access to gender-affirming spaces, exacerbates feelings of isolation and marginalization. Creating inclusive sports environments that recognize and address the unique challenges faced by transgender students is crucial for promoting their overall well-being and supporting their personal development. Researchers and policymakers must continue to examine sports policies to understand the barriers present that prevent equitable access to sports for transgender students and commit to ensuring that athletic participation becomes a space of empowerment and collaboration for transgender athletes rather than a space of exclusion.

## Positionality Statement

As a team of researchers, we approach this policy analysis through diverse personal and professional lenses, each informed by our distinct lived experiences and academic backgrounds. Our collective work is grounded in a commitment to equity, inclusivity, and justice, particularly in examining how policies around gender, race, and sexuality shape educational and athletic spaces.

Tori Porter, a Black transgender researcher, educator, and policy analyst, brings over a decade of experience working with diverse student populations in higher education. Their work critically examines the historical and systemic factors underpinning current educational policies, focusing on race, gender, and sexuality. Through this lens, Porter contributes a deep understanding of the intersectionality of oppression and how it manifests in policy, particularly in how anti-trans sports legislation affects marginalized students on intrapersonal, institutional, and cultural levels.

Briana A. Savage, an educator with experience in both K-12 education and collegiate athletic departments, adds a practical perspective on the implementation of policies that affect historically marginalized students. As a Black cisgender woman, Savage's work centers on fostering equitable and inclusive environments, especially in sports. Her familiarity with the discriminatory practices within athletic spaces informs her analysis of how gender, race, and institutional power intersect to shape the experiences of transgender and other marginalized student-athletes. This perspective enhances our understanding of how anti-trans policies further entrench exclusionary practices.

Dresden June Frazier, a Black multiracial queer cisgender woman and former Division 1 track and field athlete, contributes firsthand insight into the racialized and gendered experiences of athletes within the collegiate sports system. Her academic work challenges the taken-for-granted norms in American sport, particularly how these norms perpetuate the marginalization of athletes based on race, gender, and sexuality. Drawing on her background in psychology and

student affairs, June Frazier enriches our policy analysis by critically examining the structural and cultural barriers transgender athletes face in navigating gender-segregated sports spaces.

Together, we approach this policy analysis research with a shared commitment to dismantling cisnormativity, heteronormativity, and other intersecting systems of oppression that shape the educational experiences of transgender students. Our positionality informs our use of the critical trans framework, enabling us to critically engage with the policies under review and offer recommendations that center the lived experiences of transgender athletes in the pursuit of justice and inclusion in educational and athletic settings.

## Methodology

Policy analysis aims to generate and transform policy-relevant information, enabling its utilization in political contexts to address policy issues (Dunn, 1994). By employing policy analysis, the emergence of policy problems can be better understood to predict the potential impacts of specific policy interventions. The bills chosen for analysis were identified through a comprehensive search of United States legislative databases and the ACLU's Mapping Attacks on LGBTQ Rights in the U.S. State Legislatures tool (Mapping Attacks on LGBTQ Rights in U.S. State Legislatures | American Civil Liberties Union, 2023). The inclusion criteria encompassed bills directly affecting transgender students' rights concerning participation in sports, including access to gender-affirming locker rooms or accommodations for overnight school activities. These areas are particularly relevant to sports due to their impact on team participation, dynamics of travel games, access to locker and changing facilities, and coach-athlete interactions. To narrow the search, the ACLU's mapping tool was utilized to focus on bills that have "passed" into law, specifically targeting "Schools & Education," resulting in the identification of 18 qualified bills from 12 states (refer to the table in Appendix A). The "Schools & Education" issue pertains to laws that restrict transgender students in K-12 and higher education from participating in school-funded activities like sports, require teachers to disclose students' transgender status and censor in-school discussions about LGBTQ individuals and topics (ACLU, 2023).

To analyze the data, we used the qualitative analysis software Dedoose to code and identify emerging themes, guided by the three core principles of the Critical Trans Framework (CTF). This process involved applying CTF to each piece of legislation, examining how anti-transgender sports laws intersect with gender identity and broader systems of oppression. The application of the first principle included analyzing how each bill impacts transgender students at the individual, institutional, and cultural levels. We explored the immediate psychological and social effects, such as exclusion

from sports teams and gender-affirming spaces, how schools and sports organizations mandate cisnormative policies, and the role of these bills in reinforcing broader societal norms that stigmatize non-conforming gender identities and the weaponization of privacy and safety toward transgender athletes.

Applying the second principle meant that our exploration was guided by our acknowledgment that these bills disproportionately affect transgender students who are also marginalized by race, class, and ability. We linked the bill language to the criminalization and legislation of broader systems of exclusion beyond just gender identities. CTF's third principle informed our approach by ensuring that we considered the lived experiences of transgender athletes when conducting our analysis. We made sure to include in our literature review studies that centralized the experiences of transgender athletes alongside legislative text to foreground trans perspectives in how policies are both developed and contested. We coded each bill for these principles and met regularly to cross-reference our interpretations, discuss discrepancies, and ensure alignment in code applications. This iterative approach fostered reflective analysis, ensuring that our diverse backgrounds and identities informed but did not bias our interpretations (Nowell et al., 2017; Strauss & Corbin, 1990). Through this critical trans-centered analysis, we identified trends in anti-transgender sports legislation that show severe repercussions for transgender students, particularly at intrapersonal, cultural, structural, and epistemic levels.

## Findings

A wave of anti-trans legislation across the United States has significantly impacted the lives of transgender students, particularly in the realm of K-20 sports and educational experiences. Anti-transgender legislative efforts restrict the participation of transgender students in sports, dictate access to gender-affirming facilities, and limit transgender student participation in school-sponsored activities, including travel and overnight stays. Moreover, such laws extend their influence to the interactions between school staff, administrators, and transgender students, fostering an environment that denies the acknowledgment of students' gender identities. The complex legislative landscape marginalizes transgender students and seeks to erase their presence from vital aspects of educational life, underlining a critical societal and policy challenge that calls for a nuanced examination of the consequences of these laws on the inclusivity and fairness of educational and athletic opportunities. We separated the findings of the policy analysis into five sections, which indicate the various objectives of bills passed into legislation: Participation in Sports, Restrooms and Changing Facilities, School Sponsored Overnight Trips, Interactions Between School Staff and Transgender Athletes, and Punitive Measures for Gender Inclusion.

## *Participation in Sports*

Anti-transgender legislation aggressively aims to exclude transgender students, with a pointed focus on transgender girls, from K-20 sports across educational settings. These bills employ strategically crafted language to single out transgender girls and prevent them from competing in girls' sports. This precise targeting is starkly evident in Kansas House Bill 2238, which outright bans private and public schools, charter schools, and higher education institutions from permitting any student to participate in sports competitions that do not align with the gender assigned to them at birth, as per their original birth certificate or other governmental documents. Such legislation actively seeks to erase the presence of transgender students in the sporting domain by explicitly stating that "students of the male sex" shall not participate in girl sports:

Interscholastic, intercollegiate, intramural or club athletic teams or sports that are sponsored by a public educational entity or any school or private postsecondary educational institution whose students or teams compete against a public educational entity shall be expressly designated as one of the following based on biological sex:

- (1) Males, men or boys;
  - (2) females, women or girls; or
  - (3) coed or mixed.
- (b) Athletic teams or sports designated for females, women or girls shall not be open to students of the male sex (Kansas HB2238, p. 1).

It is also particularly important to note that this bills specifically target transgender students who identify as girls by mentioning that female students can participate in male sports:

A private school, public school, public charter school, or public or private institution of postsecondary education may allow a female student to compete in an athletics competition that is designated for male students if no corresponding athletics competition designated for female students is offered or available (Missouri, SB39, p.2).

There is a direct attack against transgender girls and women in the academic sports arena, as evidenced in the previous quote. Students designated as female on their government-issued documents may participate in sports of the opposite sex, and although the bill does not specifically state that male-designated students are restricted from doing the same, it explicitly states that the only exception to the biological sex designation is for female designated students if there is no other available option. This direct language indicates a presumption of ability and trans antagonist notions of

transgender girls and women present in our society. This targeted approach to remove transgender girls and women from sports is further exemplified in Kansas House Bill No. 2238, aimed at creating fairness in women's sports, which explicitly states, "Athletic teams or sports designated for females, women or girls shall not be open to students of the male sex" (p.1).

### *Restroom and Changing Facilities*

Legislation targeting transgender individuals extends beyond the realm of sports participation, dictating the very spaces transgender athletes can access for basic needs. Such bills meticulously control and restrict the use of restrooms and changing facilities, undermining the dignity and rights of transgender athletes by policing their presence in these essential spaces. Idaho SB 110 is anti-trans legislation that ensures public schools maintain separate restrooms, locker rooms, showers, and overnight accommodations according to biological sex. This bill not only infringes on transgender students' personal freedoms but also places undue stress and stigma on their participation in sports, affecting their overall experience and sense of belonging. Language in the bills further reproduces stereotypes of transgender students and has the potential to criminalize their access to gender-affirming restrooms and changing facilities. Idaho SB 110 exemplifies these stereotypes and the potential for criminalization:

(1) There are real and inherent physical differences between men and women; (2) Every person has a natural right to privacy and safety in restrooms and changing facilities where such person might be in a partial or full state of undress in the presence of others; (3) This natural right especially applies to students using public school restrooms and changing facilities where student privacy and safety is essential to providing a safe learning environment for all students; (p.1).

The language of the bills asserts gender assumptions as fact, enforcing generalizations about differences between men and women. The bills also put forth language that aims to ensure that cisgender people have the right to privacy and safety in the restrooms and changing facilities by removing privacy rights from individuals who identify as transgender. Transgender students, as dictated by the bills, are required to disclose their transgender identities to ensure the privacy of others. Idaho SB 110 continues by claiming that when transgender students access the facilities deemed appropriate to their identities, others are in harm's way and under threat:

Requiring students to share restrooms and changing facilities with members of the opposite biological sex generates potential embarrassment, shame, and psychological injury to students, as well as increasing the likelihood of sexual assault, molestation, rape, voyeurism, and exhibitionism; (p.1).

The belief that allowing transgender individuals to use facilities that match their gender identities poses a risk of assault to cisgender individuals is not only unfounded but also a continuation of deep-seated stereotypes against the LGBTQ+ community. This myth unfairly and violently paints transgender students as sexual predators who are aiming to deceive cisgender people, fueling the overcriminalization and heightening the risk of experiencing violence and premature death of this community. Not to mention, the language in the bill suggests that the interactions between transgender students and their peers are sexual in nature. Furthermore, legislation often asserts that various levels of legal protections exist to safeguard cisgender individuals' access to sex-segregated restrooms and changing facilities, ignoring the discriminatory and harmful practices and policies inflicted on the transgender community:

(3) Providing separate public school restrooms and changing facilities for the different biological sexes is a longstanding and widespread practice protected by federal law, state law, and case law; Federal legislative action, federal executive action, and federal court judgments that prevent public schools from maintaining separate restrooms and changing facilities for different biological sexes are inconsistent with the United States constitution and violate the privacy and safety rights of students; and A statewide policy ensuring separate school restrooms and changing facilities on the basis of biological sex is substantially related to the important governmental interest in protecting the privacy and safety of all students (North Dakota HB1489, p. 1).

### *School-sponsored Overnight Trips*

Anti-trans legislation is aggressively undermining the rights and opportunities of transgender students beyond the realm of sports, severely restricting their ability to participate in vital aspects of educational life. This legislation includes a pronounced attack on their inclusion in school-sponsored travel teams and overnight activities. Such exclusionary policies extend to a broad spectrum of extracurricular and educational experiences, encompassing study abroad programs, K-12 outdoor enrichment activities, and any event that involves overnight stays. For example, bills restrict reasonable accommodations for transgender students' access to gender-affirming restroom facilities and lodging for overnight school-sponsored trips, which replicates practices of segregation and limits holistic engagement for transgender students. An example of this is reflected in Arkansas HB1156:

Overnight trips.

31 (a) Except as provided in subsection (b) of this section, a public



32 school district or open-enrollment public charter school that sponsors or 33 supervises an overnight trip involving a public school student shall ensure 34 that a public school student attending the overnight trip either:

35 (1) Shares sleeping quarters with a member or, if necessary,

36 multiple members of the same sex; or

1 (2) Is provided single-occupancy sleeping quarters.

2 (b) A public school student attending an overnight trip may share

3 sleeping quarters with a member of the opposite sex if the member of the 4 opposite sex is a member of the public school student's immediate family (p. 1-2)

Arkansas's passed House Bill No. 1156 outlines these restrictions:

A reasonable accommodation shall not include access to a restroom or changing area that is designated for use by members of the opposite sex to an individual while members of the opposite sex of the individual are present or may be present in the restroom or changing area (Arkansas, HB1156, p. 3).

By systematically denying transgender students gender-affirming accommodations, the legislation not only isolates and discriminates against them but also strips them of the chance to engage fully in their educational journey and personal development. This deliberate marginalization denies transgender students the enriching experiences that are crucial for cultivating a sense of belonging, teamwork, cultural competence, and academic curiosity. It's a blatant attempt to erase their presence and contributions from key educational and developmental experiences and reestablish segregation practices in our educational environments.

#### *School Staff and Administration Interactions with Athletes*

Legislation drastically shapes the landscape of interaction between school staff, administrators, and athletes by imposing strict prohibitions on discussions surrounding transgender issues. It compels coaches and school officials to recognize students solely by their birth-assigned gender, legally shielding those who deny the affirmation of transgender students' true gender identities. Moreover, it severely restricts transgender students' access to safe spaces that affirm their gender identity. Tennessee Senate Bill No. 0466 does not protect students yet ensures that teachers, staff, and coaches who are harmful towards transgender students in K-12 are protected by the law:

A teacher or other employee of a public school or LEA is not:

Required to use a student's preferred pronoun when referring to the student if the preferred pronoun is not consistent with the student's biological sex; Civilly liable for using a pronoun that is consistent with the biological sex of the student to whom the teacher or employee is referring, even if the pronoun is not the student's preferred pronoun; and Subject to an adverse employment action for not using a student's preferred pronoun, if the student's preferred pronoun is inconsistent with the student's biological sex. A public school or LEA is not civilly liable if a teacher or employee of the public school or LEA refers to a student using a pronoun that is consistent with the biological sex of the student to whom the teacher or employee is referring, even if the pronoun is not the student's preferred pronoun (Tennessee SB No. 0466, p.1-2).

These measures not only erode the trust and rapport essential between educators and students but also legalize discrimination profoundly.

#### *Punitive Measures for Gender Inclusion*

Legislation forcefully mandates the segregation of sports teams and gender-specific facilities strictly according to the sex assigned at birth, thereby outlawing transgender athletes from participating in teams and extracurricular opportunities that align with their gender identities. Should any athletic team or school defy these oppressive measures by inclusively allowing transgender athletes to compete, these laws empower authorities to deny these teams access to any state-funded sports facilities. These laws also further empower parents of cisgender students to sue schools and those involved in ensuring inclusion.

When schools are noncompliant with the gender designations as outlined by North Dakota House Bill No. 1489, schools can be determined to be non-compliant. Punitive measures are also written into law to ensure the exclusion of transgender students in sports "shall receive a five percent (5%) decrease in state funding for the fiscal year following the year of noncompliance" (Oklahoma SB No. 26). Another example of this is outlined in Arkansas' HB1156:

Upon the board finding noncompliance with this section, the following individuals, as applicable, shall be subject to a minimum fine of one thousand dollars (\$1,000), and may receive additional sanctions as determined by the board (p. 3).

These punitive approaches not only isolate transgender athletes but also penalize teams and institutions championing inclusivity, striking a blow against the principles of equality

and acceptance in sports. Punitive measures also have the potential to push those teams and institutions who are looking for reasons not to be inclusive by providing legislative backing.

## Discussion of Findings

The interplay between athletics, educational experiences, and legislative actions underscores the urgent need to critically examine the priorities and policies shaping the participation of transgender students in K-20 sports and educational opportunities. Central to the debate is the assertion by state and administrative decision-makers that transgender athletes' involvement in sports threatens the safety and privacy of cisgender students, as well as invokes concerns around religious (Jones et al., 2016). This rhetoric, however, is rooted in violent, historically entrenched stereotypes about transgender individuals, which are now manifesting in legislative measures that marginalize and exclude these students.

If the fundamental goal of education is to provide equitable opportunities for all students, then it follows that transgender students should be allowed to participate fully in sports. Prioritizing student experiences and well-being over competitive success necessitates that sports governing bodies and legislators adopt transparent and inclusive objectives when formulating policies. However, current legislation, such as Missouri Senate Bill No. 39, Idaho Senate Bill No. 110, and Arkansas House Bill No. 1156, exemplifies a troubling trend of legislating against the inclusion of transgender students, particularly affecting transgender women and girls (Fischer, 2023). This trend highlights the need for a thorough examination of the balance between legislative authority and the autonomy of educational institutions.

Educational institutions have a duty to create environments that foster equity, inclusion, and support for all students. According to the American Association of University Professors (1992), colleges and universities are responsible for safeguarding the freedom to learn for every member of the academic community. The National Collegiate Athletic Association (2024) further asserts that institutions should prevent gender bias in athletic activities and maintain athletics programs that support the broader educational mission. Yet, the encroachment of lawmakers into educational policy raises significant questions about the extent of their authority and the infringement on the academic and personal freedoms of transgender students.

Anti-transgender sports legislation not only impacts the individual and interpersonal levels by creating barriers to community and belonging, but it also introduces structural impediments. For instance, such bills often protect coaches and institutional actors who may misgender, deadname, or otherwise dismiss transgender students' identities (e.g., TN

SB0466). This legal protection contributes to a diminished sense of belonging among transgender students (Stewart & Nicolazzo, 2018; Truong et al., 2020) and reinforces a false narrative that transgender individuals are a threat to privacy and safety. In reality, transgender students frequently face high levels of victimization and discrimination from peers and educators (Greytak et al., 2016; Truong et al., 2020).

These legislative measures effectively criminalize transgender students who seek gender-affirming spaces, such as restrooms and changing rooms, disproportionately affecting Black transgender students and transgender students of color (Daley et al., 2007; Snapp et al., 2015). The criminalization of these essential spaces not only perpetuates stereotypes about transgender individuals but also exacerbates their marginalization. The legislation's impact extends to the broader educational environment, as it mandates separate accommodations for transgender students that undermine their participation in key team experiences, such as locker room interactions and motivational activities.

## Significance and Implications

Some people may view legislative policy as outside the realm of schools, ignoring the impacts of policy on interpersonal, structural, and practical experiences for marginalized students. However, there is an abundance of literature that points to transgender students experiencing greater levels of school harassment and low levels of sense of belonging (Bilodeau, 2005; Strayhorn, 2011; Truong et al., 2020). We add to this literature by comprehensively examining the impacts of legislation targeted at transgender students in sports and exploring the implications of these policies for education. Using a critical trans framework (Kean, 2021), we illuminate how anti-transgender sports policies have a disproportionate impact on transgender students facing multiple forms of marginalization due to intersecting identities (e.g., transgender students of color, disabled transgender students, etc.). Moreover, these policies rely heavily on medical-legislative arguments, sidelining transgender students from meaningful participation in decision-making processes related to sports. This consequence not only limits their educational opportunities and overall well-being (Jones et al., 2016) but also reinforces existing inequalities, hindering social progress for transgender students.

Furthermore, our research findings highlighted that privacy and safety is a key argument and area of concern weaponized by legislation against transgender student sports participation. However, those concerns, in turn, place transgender students' privacy and safety as vulnerable aspects of their schooling experiences. This fact means that transgender students' safety and privacy should ultimately be the main concern. We recommend that future sports policies prioritize these issues while ensuring inclusivity and support for transgender students, be informed by evidence--based decision-making,

prioritize education and sensitization about transgender issues, and be developed through collaboration and dialogue with transgender student-athletes, advocacy groups, and other sports stakeholders to ensure a comprehensive and fair approach that fosters a supportive and understanding environment for transgender students. The goal is to create a thorough, and fair approach that fosters a supportive environment where transgender athletes can participate without compromising their safety or privacy. For practice, we incorporated some recommendations provided by Gay, Lesbian, and Straight Education Network (GLSEN) (n.d.). This practice includes, but is not limited to:

1) *Giving students the right to participate in athletics based on their gender identity, regardless of if it is consistent with their birth certificate.* As of May 2022, 17 states (including D.C.) have gender affirming policies that maintain and guide the full participation of transgender and nonbinary athletes in K-20 athletics. Oregon is a prime example of this. The Oregon School Activities Association (OSAA) has guidelines aligned with state nondiscrimination laws in public education (ORS 174.100). The OSAA Handbook states that students may participate in athletics that align with their gender identity, regardless of the gender marker listed on their birth certificate, provides specific guidelines for nonbinary student inclusion, and prioritizes privacy and communication with transgender and nonbinary students, as well as local education agencies and schools (GLSEN, n.d.).

2) *Working with transgender students to provide affirming and safe facility usage on campus; including, allowing students to use the facilities that they feel safest using.* Recognizing that different students have different privacy needs, schools should offer a variety of facility options to meet the unique concerns of transgender and nonbinary students. In addition to private changing spaces, schools could designate certain times for open access to facilities, allowing students to choose when they feel safest using them. Such flexibility ensures that transgender students can avoid situations where they may feel unsafe or vulnerable, which emerged as a key concern in our findings. This will require open dialogue between students, administration, and facilities management which has potential to foster an environment of collaboration.

3) *Providing locker rooms and shower facilities that include private areas to ensure privacy for any student who desires it.* Many states have implemented all gender restrooms with multiple floor to ceiling stalls. Privacy-enhancing solutions like the universal locker room at University of California Berkeley's recreation center—which offers private showers, changing rooms, and toilets for all—should serve as a model. These types of facilities not only promote inclusivity but also address the specific safety concerns of transgender athletes, ensuring they are not subjected to harassment or discomfort in gender-segregated spaces (GLSEN, n.d.)

4) *Informing coaches that they should make every reasonable effort to honor a student's common use name and gender pronouns, even if they are different from school records or other official documents; coaches should also be sure to make every effort to ensure teammates, fans, and other constituents do the same.* Implement mandatory training for athletic staff, coaches, and administrators to ensure respect for transgender athletes' chosen names, pronouns, and privacy. Schools should develop clear protocols that protect the privacy and safety of transgender students, particularly in vulnerable settings like locker rooms and travel accommodations. These protocols should be created in collaboration with transgender students and parents, advocacy groups and regularly reviewed to maintain a safe, inclusive, and supportive sports environment.

Additionally, in the research realm, we encourage the continued study of anti-transgender policy and how these legislative measures impact transgender student experiences overtly as well as covertly. Lastly, we advocate for inclusive sports policies for a diverse population of students, including transgender students who want to participate in school sports. Educational institutions have a responsibility to make school an enjoyable experience for its students. Since sports are classified as a school activity, institutions have an obligation to make the sports setting enjoyable for all of its students rather than focusing on winning as the core aspect of sports activity. By uncovering the potential impacts of anti-transgender sports policies, we contribute to discussions on creating a more equitable and affirming sports education environment for all students.

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## Appendix A

### *Passed Anti-Transgender Sports Legislative Bills in the United States*

State	Bill name	Private / Public	Impacts
Arkansas	HB1156	Public	School-sponsored overnight trips (away games)
Idaho	SB 1100	Public	School restrooms and changing facilities
Iowa	SF 482 / SF 335	Public	School restrooms and changing facilities
Kansas	HB 2238	Public	Participation in sports
Kentucky	SB 145	Public	Participation in sports
Missouri	SB 39	Public & Private	Participation in sports
Utah	HB 209	Public & Private	Participation in sports
Wyoming	SF 133	Public	Participation in sports
North Dakota	HB 1473	Public	Participation in sports and restroom and changing facilities
	HB 1249	Public & Private	Prohibits use of property for sports not segregated by assigned sex
	HB1522	Public & Private	School restroom and changing facilities
	HB 1489	Private & Public	Prohibits the use of property for sports not segregated by assigned sex (higher education specific)
Oklahoma	SB 26	Public	Participation in sports and restroom and changing facilities
Tennessee	HB 306	Private & Public	Participation in sports
	SB 466	Public	School staff and admin interactions with athletes
	SB 1237	Public & Private	Participation in sports
	HB 1269	Public	School staff and admin interactions with athletes
Texas	SB 15	Public	Participation in sports (higher education specific)