

## **Testimony Regarding Transgender Athletic Participation**

*Senator Carney, Representative Kuhn, and Honorable Members of the Judiciary Committee*

Thank you for the opportunity to testify today regarding proposed bills LD 233, LD 868, LD 1134, LD 1337 which would prohibit transgender student athletes from participating in school athletic programs consistent with their gender identity.

My name is Dr. Hien Nguyen, and I am an Economic Professor and the Cody van Heerden Chair in Economics & Quantitative Social Sciences at College of the Atlantic, Bar Harbor, Maine. I am writing today to express my deep concern about these bills and to urge you to **reject** them based on their potential to cause significant harm to an already vulnerable population while solving no documented problem.

### **Existing Discrimination Against Transgender Americans**

Transgender and gender-nonconforming American are among the most socioeconomically vulnerable minority groups in the United States. Research from Economics and other Social Sciences disciplines indicates that transgender individuals are less likely to be employed, having lower household incomes, and more likely to be poor than cisgender individuals even after controlling for education and other observed characteristics. While a number of factors are responsible for this divergence, numerous studies have highlighted the role of transphobic stigma and discrimination in a wide range of social settings. These include at the workplace, in the labor market, in the housing market, in public spaces, in healthcare and educational environments, in public policies, and the law itself.

According to the U.S. Transgender Survey, the largest survey of transgender people in the United States:

- Nearly one-third (30%) of respondents who had a job reported being fired, denied a promotion, or experiencing other forms of mistreatment due to their gender identity.
- The unemployment rate among transgender people is three times higher than the national average.
- Nearly one-third (30%) of respondents have experienced homelessness at some point in their lives.
- More than three-quarters (77%) of those who were out or perceived as transgender in K-12 education experienced mistreatment, including verbal harassment, physical assault, and sexual assault.

- 40% of respondents have attempted suicide in their lifetime—nearly nine times the national average.

These statistics reflect a reality of mistreatment, harassment and discrimination - compounded by poverty and other forces of structural inequalities – which has made life precarious for many transgender people, especially trans people of colors.

### **The Vulnerable Position of Transgender Youth**

Transgender and non-binary youth face even greater vulnerability:

1. **Family Rejection:** An estimated 40% of homeless youth identify as LGBTQ+, with family rejection of their identity being the leading cause. Transgender youth specifically report the highest rates of family rejection.
2. **School Harassment:** According to the most recent GLSEN School Climate Survey, 83% of transgender students report feeling unsafe at school because of their gender expression. This leads to higher rates of absenteeism, lower GPAs, and decreased post-secondary education plans.
3. **Mental Health Crisis:** Transgender youth attempt suicide at rates nearly three times higher than their cisgender peers. However, research shows that supportive environments and policies dramatically reduce these risks.
4. **Educational Outcomes:** The cumulative impact of these challenges results in lower educational achievement, with many transgender students dropping out or underperforming due to hostile school environments.

### **Athletic Participation as a Path to Well-being**

For young people, including transgender youth, participation in sports provides crucial benefits:

1. **Physical health benefits:** Regular physical activity reduces risks of heart disease, diabetes, and obesity.
2. **Mental health benefits:** Sports participation reduces depression and anxiety, particularly important for transgender youth who experience these conditions at higher rates.
3. **Educational outcomes:** Student athletes show higher graduation rates and academic performance.
4. **Social development:** Team sports teach cooperation, discipline, and build social connections that are protective factors against isolation.

For transgender youth specifically, who face elevated risks of depression, anxiety, and suicidal ideation, access to affirming activities like sports can be lifesaving. Studies

consistently show that transgender youth who are accepted and supported in their gender identity have mental health outcomes comparable to their cisgender peers.

### **The Harm of Exclusionary Legislation**

Bills that ban transgender athletes from participating in sports consistent with their gender identity would:

1. **Exacerbate mental health crises:** Such exclusion sends a powerful message of rejection and punishment that is linked to increased depression, anxiety, and suicide risk.
2. **Reinforce economic barriers:** By denying transgender youth equal educational opportunities, including athletic scholarships, these bills further disadvantage a population already facing significant economic hardship.
3. **Subject youth to invasive scrutiny:** Implementation would require invasive verification procedures that harm all students' privacy and dignity.
4. **Disrupt team cohesion:** Forcing transgender athletes to participate on teams inconsistent with their gender identity disrupts team dynamics and isolates transgender students.

### **Lack of Evidence for Competitive Advantage**

It's important to note that fears about competitive advantages have not been substantiated by evidence:

- After years of inclusive policies in states like California, Connecticut, and Washington, there has been no dominance of transgender athletes in women's sports.
- Sports organizations like the NCAA and International Olympic Committee have developed evidence-based policies that allow transgender athletes to participate while maintaining competitive fairness.
- Medical experts note that after hormone therapy, transgender women experience significant changes in muscle mass and performance metrics that eliminate many physical advantages.

### **Economic Consequences of Discrimination**

States that have enacted discriminatory legislation have faced significant economic consequences:

- Loss of major sporting events, conventions, and business investment
- Legal challenges resulting in costly litigation

- Difficulty attracting and retaining talent in competitive industries
- Reduction in tourism revenue

For example, when North Carolina passed HB2 in 2016, which included anti-transgender provisions, the state lost an estimated \$3.76 billion in business over a 12-year period according to an analysis by the Associated Press.

## **Conclusion and Recommendations**

I urge this committee to:

1. Reject legislation that bans transgender athletes from participating in school sports consistent with their gender identity.
2. Instead, support evidence-based policies that promote inclusion while addressing specific concerns through thoughtful implementation.
3. Consider the demonstrated harm such bans cause to vulnerable young people against the lack of evidence supporting their necessity.
4. Recognize that our nation's commitment to equal opportunity must extend to all students, including transgender students.

In conclusion, these bills do not solve any documented problem but would cause real harm to real people. They would further marginalize a group already experiencing significant discrimination and would deprive transgender youth of the significant benefits of athletic participation. I urge you to stand on the side of inclusion, science, and compassion by opposing these harmful bills.

Thank you for your consideration.

Respectfully submitted,

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