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LD 233

Senator Carney, Representative Kuhn, and esteemed members of the Committee on Judiciary,

My name is Kelli Deveaux, and I submit this testimony as a nearly 30 year educator in the State of Maine. But where I feel compelled to begin is not at the start of my professional career in education, but at the start of my own high school experience.

I grew up in Southern Maine in the late 1980's. During my time in high school, we had a girl who played on the boys' soccer team, because we did not have women's soccer at the time. She was one of the best on the team. We had a girl on the football team, again because football was not a sport offered to women. There was a girl who played on the boys' ice hockey team, and there were girls who joined the wrestling team. That's because in the 80's inequities still existed as to what sports were offered to student athletes. If women wanted to compete, they often didn't have a team. These examples are what federal Title IX is about.

But it should also be noted that we had 3 boys who played on our field hockey team. They played because they rationalized it was good fall training for ice hockey, which it probably wasn't, but they played, without fanfare or issues, despite that they were required to wear the kilts, just like their teammates.

We also had two boys who competed on our women's gymnastics team. This was a school sport in those days, and male equipment and events were not offered as a school sport. Instead these two boys competed against women and were scored on the criteria of women's gymnastics. And again, no fanfare, no issues. This was 40 years ago.

Today's arguments against trans girls competing in sports against women is archaic, and based in fear, not reality. Trans girls are eager to appear and be accepted as girls, they are asking to blend in, to be accepted as they see themselves. Some may even be passing. Let me be clear, some are. And how would we know? Are we now headed toward the inspection of all female student athletes and their body parts, just to make sure? And what would trigger the inspections? The girl whose voice is low? The girl with a boxy figure and not much breast development? Or maybe we test hormone levels, but of course those can vary in humans, and who would pay for those tests? But if we are only testing the girls teams, that might be a Title IX issue.

Some are claiming that trans girls are ruining girls' sports because they have unfair advantages. But unfair advantage is rampant in athletic programs. They are not ruining some otherwise level playing field of Maine athletic, because there is no such thing as a "level playing field," and to suggest otherwise is naive or disingenuous. The student whose coaches bought him cleats, whose team mates brought him to and from practice every day, and whose principal made sure that the heat was not turned off in his home because his mother could not afford it? That child has not been given the same playing field as the boy in York, whose parents had him playing pee-wee football since he was 4, who have hired a sports psychologist and a nutritionist and a sports performance coach to help him succeed. The kids who literally play on the uneven field, the cracked and broken tennis courts do not have the same opportunities as the child playing at the indoor tennis club or on a turf field. I actually heard a parent complain just last week that his child practices on turf fields so the team couldn't adjust to a grass field for lacrosse, and lost.

But let's also remember that a level playing field isn't just about opportunities. No two human beings are the same, and therefore each has unique attributes that give them an advantage or disadvantage. At 5 feet tall, I am not likely to dunk a basketball, ever. But that doesn't mean I get to tell the tall people that it isn't fair. I don't get to deny their right to play.

High School sports, as important as they seem at the time, is not about winning and

losing, and it really never has been. It is about participating, about facing challenges, team building, and developing character. Schools offer athletic programs not because it is their central responsibility or a revenue generator with ticket sales on a Friday night, but because educators understand the important lessons that are learned from co-curricular activities. And learning how to win, lose, face adversity and how to show sportsmanship and humanity in the midst of competitive play are critical lessons for our youth. For ALL youth. And quite frankly, it's a lesson needed for adults these days.

Trans girls are not ruining our sports in Maine. They are not making an otherwise level playing field off kilter. They are being used as a distraction, and as scapegoats in a campaign of chipping away at the basic human rights that have been afforded to citizens over decades of hard won fights for them.

I urge you, do not let Maine be remembered in history as the state that gave and then took away the rights and dignity of the transgender youth in our state.

Let them play.