

ANCHORAGE DAILY NEWS

Alaska's new policy for transgender prep athletes: Schools can make their own rules

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When it comes to which sports team a transgender high school athlete in Alaska may play on, the Alaska School Activities Association says it will accept whatever policy is in place at the student's school.

The state's governing body for high school activities will not make gender-identity determinations itself, ASAA executive director Billy Strickland said Wednesday.

Nor will ASAA hear appeals from anyone who objects to a school's decision to allow students to compete on teams based on the gender they identify with rather than their biological sex, Strickland said.

"Ultimately, we look at this as a participation issue," he said. "We want students to be able to participate. The school districts have to get into the nuts-and-bolts policies."

If a school district doesn't have a written policy, a student "may only participate based on their gender assigned at birth," said Strickland, who said ASAA's board of directors unanimously adopted a transgender policy last week.

The policy comes at a time when transgender rights are being hotly debated throughout the country. The U.S. Justice Department on Wednesday warned North Carolina that its new law restricting transgender people's access to bathrooms is a civil rights violation that could deprive the state of millions of dollars in federal funding.

Strickland said high school associations in about 30 states have adopted transgender policies.

"In other associations that have transgender students participate, the kids could care less," he said. "It's more the grown-ups that get freaked out."

The ASAA board of directors, spurred in part by current events and a desire to be compliant with gender-equity laws, spent months drafting the policy.

"Without exception the (ASAA) board saw it as, 'This is where we are.' We need to have a clear policy so students and schools know what they need to do to help deal with these situations," Strickland said.

"Everyone that looks into this says eventually the courts are going to make a ruling. At that point we may be adjusting our policy, or we may be right where we need to be."

In the event an opponent doesn't want to compete against a transgender athlete, "what we would tell them (is), 'You can forfeit,' " Strickland said.

"At some point, maybe that's where the court case starts."

In the Anchorage School District, students are permitted to participate "in a manner consistent with their gender identity," according to a policy adopted last summer.

ASAA's policy, which goes into effect July 1, says that gender determination will remain in effect for the duration of a student's high school career.

"If a male-to-female student is allowed to participate on a girls' team, they can only participate on girls' teams for the remainder of their career," Strickland said. "You can't feel like a boy for wrestling and a girl for basketball."

When it comes to locker rooms, ASAA will make "any reasonable accommodation" at state championship events, Strickland said.

At events like the state track championships, everyone uses the same porta-potties, he said. At other state tournaments, many teams are already dressed in uniform when they arrive at the venue.

If a transgender student wants a private place to dress, "we'll figure out a way to make that happen," Strickland said. The same goes for a teammate of a transgender athlete who might not want to use the same dressing area.

ASAA is advising school districts to adopt written policies regarding transgender participation so they can remain in compliance with Title IX, the 1972 federal law that prohibits discrimination based on gender. Title IX transformed sports in America because it requires schools that offer athletic programs for boys and men to field equitable programs for girls and women.

When it comes to transgender athletes, the U.S. Office of Civil Rights "believe(s) this falls under Title IX, and schools should allow students to participate based on the gender they identify with," Strickland said.

If they don't, he said, "they could be considered out of compliance with Title IX." And that could jeopardize a school or district's federal funding.

The Association of Alaska School Boards is also urging school districts across Alaska to adopt transgender policies.

Executive director Norm Wooten said the association "oppose(s) discrimination for any student in the state" and has sent a model transgender policy to member school districts, which can choose to adopt, alter or reject the

model policy.

"We don't have a state statute on it," Wooten said, "but our attorney certainly looked at the decisions being handed down by the United States Office of Civil Rights, who are the ones who initially entered this fray and started issued rulings.

"The hammer there is continued access to federal funding."

Strickland said as far as he knows, Alaska has one athlete competing in high school sports based on gender identification.

"We are aware of one athlete that has participated throughout the year in girls volleyball, girls basketball and we believe now in track," he said.

"The student has had a pretty good experience while participating, which is what we hope for all of our students, and has by no means created a competitive imbalance."

Strickland said he doesn't think allowing students to play on teams that suit their gender identification will create an uneven playing field in Alaska high school sports.

"I'm not worried that some school is going to say, 'We'll get these boys to play so we can get a state championship,' " he said.

About this Author

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Comments