



Ohio House Higher Education Committee Interested Party Testimony on HB 6 Ohio High School Athletic Association May 3, 2023

Chairman Young, Ranking member Miller, and members of the House Higher Education Committee. Thank you for the opportunity to submit written information about the Ohio High School Athletic Association and its policy covering the topic of transgender athletes, particularly as it relates to the proposed provisions in HB 6. We have met with a number of committee members individually to share information about the current Ohio High School Athletic Association policy which sets out the requirements transgender athletes must meet before they can participate in girls' sports. We appreciate the time spent with us on this issue.

The Ohio High School Athletic Association is a private, not-for-profit, unincorporated association. Membership in the organization is completely voluntary, and we are currently made up of 817-member high schools and approximately 750-member 7/8 grade schools. 100% of Ohio's public school districts are members of the association, and approximately 20% of our membership is made up of chartered non-public schools. Our policies are approved by the membership as a whole and we are led by a governing board made up of individuals representing all segments of our membership demographic.

OHSAA members develop basic rules that govern themselves related to sports teams and sporting events. This allows for a system that is reasonable and fair to all. There is a process for the members to make changes to those rules when circumstances change or issues arise. The individuals employed by our office are tasked with enforcing the rules that have been voted into place by the membership.

We are writing to share information on the record about the OHSAA policy covering participation by transgender athletes as it is currently written. A copy is attached to this testimony. The relevant provisions begin on page three of the policy and are highlighted in blue.

We note that the policy version detailed in the Member's Brief from Volume 133 Issue 21 (July 16, 2020) referenced in the HB 6 bill analysis is outdated. The current attached policy was updated on September 23, 2021. The change made by the association at that time was aimed at strengthening the organization's ability to prevent transgender females from participating if they possess an unfair physical advantage over their natal female peers.

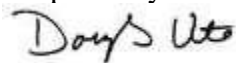
The association does not have a position on decisions made by families about minors transitioning from their biological gender at birth. However, the policy adopted by the membership was crafted to allow sports participation by transgender female students, **but only when the student does not possess the physical traits** that would undermine girls' sports.

Since the 2015-16 school year, there have been seventeen (17) transgender females who have participated in high school sports in Ohio. These seventeen students represent an indistinguishable percentage of the student-athletes who've competed in OHSAA sports over that same eight-year timeframe (350,000+ annually). Our office has received no complaints about these specific 17 student-athletes' participation. We believe our policy has been very effective in addressing their participation and we are committed to continuing to protect the integrity of the organization and its sports programs through policies that are fair and equitable.

We would additionally point out that the provisions in HB 6 do not apply to “club sports” in which many junior high and high school student athletes compete. The bill only addresses programs under the purview of the OHSAA and collegiate athletic teams. Also, we note that OHSAA does not have a position on the bill’s effect on collegiate athletics.

In conclusion, having explained the current policy and the intent behind it, we offer to this committee our willingness to work with you to strengthen our policy if necessary. We want to ensure fairness and integrity within Ohio’s sports program for the benefit of all children.

Respectfully submitted,

A handwritten signature in black ink that reads "Doug Ute". The signature is written in a cursive, slightly slanted style.

Doug Ute, OHSAA Executive Director



OHSAA TRANSGENDER STUDENT POLICY

Consistent with the OHSAA philosophies with respect to participation in interscholastic sports and its mission statement and stated purpose as found in Article 2 of the OHSAA *Constitution*, the Board of Directors hereby adopts the following policy considerations and policy relating to transgender student athlete participation at an OHSAA member school.

Policy Considerations:

The Board of Directors of the OHSAA, Executive Director's Office and member schools do hereby reaffirm the following policy considerations respecting participation in interscholastic sports in Ohio:

1. *Participation in interscholastic and intercollegiate athletics is a valuable part of the education experience for all students.*
2. *Transgender student athletes should have equal opportunity to participate in sports.*
3. *The integrity of women's sports should be preserved.*
4. *Policies governing sports should be based on sound medical knowledge and scientific validity.*
5. *Policies governing sports should be objective, workable, and practicable; they should also be written, available and equitably enforced.*
6. *Policies governing the participation of transgender students in sports should be fair in light of the tremendous variation among individuals in strength, size, musculature, and ability.*
7. *The legitimate privacy interests of all student athletes should be protected.*
8. *The medical privacy of transgender students should be preserved.*
9. *Athletic administrators, staff, parents of athletes, and student athletes should have access to sound and effective educational resources and training related to the participation of transgender and gender-variant students in athletics.*

TABLE OF CONTENTS:

Page 2- Glossary of Common Terms

Page 3- Guidelines for Participation

Page 4- Requesting a Ruling

Page 5- Appeal of Executive Director's Office Decision



GLOSSARY OF COMMON TERMS:

For purposes of this policy, the following terms shall have the meanings as set forth herein:

“Sex” - Sex is assigned at birth as male or female, usually based on the appearance of the external genitalia. When the external genitalia are ambiguous, other components of sex (internal genitalia, chromosomal and hormonal sex) are considered in order to assign sex.

“Transgender Person” describes an individual whose gender identity (one’s internal psychological identification as a boy/man or girl/woman) does not match his or her assigned sex at birth.

“Transgender” - An adjective to describe a diverse group of individuals who cross or transcend culturally-defined categories of gender. The gender identity of transgender people differs to varying degrees from the sex they were assigned at birth.

“Gender Transition” - A period of time when individuals change from the gender role associated with their sex assigned at birth to a different gender role. For many people, this involves learning how to live socially in “the other” gender role; for others this means finding a gender role and expression that is most comfortable for them. Transition may or may not include feminization or masculinization of the body through hormones or other medical procedures. The nature and duration of transition is variable and individualized.

“Gender identity” - A person’s own understanding of themselves in gendered categories such as woman, man, boy, girl, transgender, genderqueer, etc. How an individual feels inside and believes themselves to be.

“Transgender Female” is a person whose sex at birth is male but who self identifies and lives as a female (male-to-female or MTF). The pronouns “she” and “her” are the proper pronouns in referring to a transgender female.

“Male-to-Female (MTF)” - Adjective to describe individuals assigned male at birth who are changing or who have changed their body and /or gender from birth-assigned male to a more feminine body or role.

“Transgender Male” is a person whose sex at birth is female but who self identifies and lives as a male (female-to-male or FTM). The pronouns “he” or “his” are the proper pronouns in referring to a transgender male.

“Female-to-Male (FTM)” - Adjective to describe individuals assigned female at birth who are changing or who have changed their body and/or gender role from birth-assigned female to a more masculine body or role.



OHSAA GUIDELINES FOR TRANSGENDER STUDENT PARTICIPATION:

Transgender Females (MTF)

- A transgender female who has not yet begun medically prescribed hormone treatment for purposes of gender transition may participate on a **boys' team** at any time and **no ruling is needed from the Executive Director's Office.**
- A transgender female who is taking medically prescribed hormone treatment related to gender transition may participate on a **boys' team** and **no ruling is needed from the Executive Director's Office.**
- Before a transgender female can participate in **girl's sport or on a girls' team** she must either:
 - (1) have completed a minimum of one year of hormone treatment related to gender transition and/or
 - (2) demonstrate to the Executive Director's Office by way of sound medical evidence that she does not possess physical (bone structure, muscle mass, testosterone, hormonal, etc.) or physiological advantages over genetic females of the same age group.

In any case where a transgender student athlete is taking hormone treatment related to gender transition and an approval is needed from the E.D. Office, that treatment must be monitored by a physician and the Executive Director's Office may request reports on this treatment depending on the situation.

Transgender Males (FTM)

- A transgender male who has not yet begun medically prescribed testosterone treatment for purposes of gender transition may participate on a **girls' team** at any time and **no ruling is needed from the Executive Director's Office.**
- A transgender male who has begun medically prescribed testosterone treatment for purposes of gender transition may NOT participate on a **girls' team.**
- A transgender male who has not yet begun medically prescribed testosterone treatment for purposes of gender transition may participate on a **boys' team** at any time and **no ruling is needed from the Executive Director's Office.**
- Before a transgender male who has begun medically prescribed testosterone treatment for purposes of gender transition can participate in **boy's sport or on a boys' team** he must:
 - demonstrate to the Executive Director's Office by way of sound medical evidence that the muscle mass developed as a result of this testosterone treatment does not exceed the muscle mass that is typical of an adolescent genetic boy. Should this occur, the student's hormone levels must be monitored by a licensed physician every three to six months and approvals will only be rendered on a season-by-season basis.

In any case where a transgender student athlete is taking hormone treatment related to gender transition and an approval is needed from the E.D. Office, that treatment must be monitored by a physician and the Executive Director's Office may request reports on this treatment depending on the situation.



OHIO HIGH SCHOOL ATHLETIC ASSOCIATION

Doug Ute, Executive Director

INSTRUCTIONS FOR COMPLETING OHSAA TRANSGENDER STUDENT PARTICIPATION REQUEST – 2022-23

SCHOOL ADMINISTRATORS: Please complete this form and return it, along with the required medical documentation (See Step 2), to the OHSAA office via an email attachment, Attn: Kristin Ronai (kronai@ohsaa.org). If a ruling is required (See page 3), please note the student is ineligible for interscholastic athletics until a favorable ruling is issued by the Executive Director's Office.

Note on Confidentiality: All communications among involved parties and required supporting documentation shall be kept confidential and all records of proceedings sealed unless the student and family make a specific request otherwise. All medical information provided pursuant to this policy shall be kept strictly confidential as consistent with medical privacy law.

STEP 1- Notice to the School: The transgender student and/or the parent of a transgender student shall contact the school administrator or athletic administrator indicating that the student has a gender identity different than the sex assigned at birth and that the student desires to participate in activities in a manner consistent with the gender identity.

STEP 2- Notice to the Executive Director's Office of the OHSAA: Upon receipt of notice from a transgender student and/or parent of a transgender student wishing to participate in interscholastic sports in a manner consistent with their gender identity, the school administrator shall notify the OHSAA Office of the student's interest in participating in interscholastic athletics via this form. **Please see page 3 of this policy for situations that require a ruling.** If a ruling is required, please complete the following information:

1. Student's Name: _____
2. Grade Level: _____
3. Name of School: _____
4. Sport(s) in which student desires to participate (i.e. boys soccer, girls tennis, boys T&F, etc.)

5. Sex Assigned at Birth: Male Female
6. Student currently identifies as: _____
7. Has student started hormone treatment: No Yes
 - *If no, please have the family provide written verification from a medical doctor addressing the student's physical (bone structure, muscle mass, testosterone, hormonal, etc.) and physiological traits compared to natal females/males of the same age group.*
 - *If yes, please have the family provide written verification from a medical doctor detailing the hormone treatment, including the date on which treatment began and whether it has continued on uninterrupted since that date **AND** written verification from a medical doctor addressing the student's physical (bone structure, muscle mass, testosterone, hormonal, etc.) and physiological traits compared to natal females/males of the same age group.*
 - *In keeping with confidentiality, the family may email this documentation directly to the Executive Director's Office as opposed to providing it to the school for transmission.*
8. Any uniform modifications requested? No Yes*
*If yes, please describe:

I hereby acknowledge that the responses on the above are accurate and correct, to the best of my knowledge.

Administrator Signature: _____ Title: _____

Print Name: _____ Email Address: _____

FOR OHSAA OFFICE USE ONLY: Date of Decision - _____

APPROVED
For School Year/Sport Season:

DENIED
See attached letter
ruling

Reviewed By:



OHIO HIGH SCHOOL ATHLETIC ASSOCIATION

Doug Ute, Executive Director

APPEALS OF OHSAA DECISION:

Should any questions arise about whether a student's request to participate in a sports activity consistent with his or her gender identity is legitimate, the student for whom the ruling was rendered may seek review of his or her eligibility for participation through the procedure set forth below:

A. First Level of Appeal:

I. The student will be scheduled for an appeal hearing before the Gender Identity Eligibility Committee. The OHSAA shall schedule a hearing as expeditiously as possible, but in no case later than five (5) school business days prior to the first full interscholastic contest that is the subject of the petition, or within a reasonable time thereafter in cases of emergency, including, but not limited to, any unforeseeable late student enrollment. The Gender Identity Eligibility Committee will be comprised of a minimum of three of the following persons, at least one of whom must be from the physician or mental health professional categories:

- Physician with experience in transgender health care and the World Professional Association for Transgender Health (WPATH) Standards of Care
- Psychiatrist, psychologist, or licensed mental health professional familiar with the WPATH Standards of Care
- School administrator from a non-appealing school
- OHSAA staff member
- Advocate familiar with issues of gender identity and expression

II. Documentation: The appealing student shall provide the Eligibility Committee with the following documentation and information:

- Current transcript and school registration information
- Documentation of the student's consistent gender identification (e.g., written statements from the student and/or parent/guardian; written statements from the student's treating physician/psychologist or other health care provider)
- Any other pertinent documentation or information

III. Committee Decision Process: The Eligibility Committee shall apply the same standard of review as utilized in all other student eligibility appeals. The student/student's family and the school on whose sports team the student would be participating will be notified of the Eligibility Committee's decision in writing within 48 hours once that decision has been reached.

IV. When there is confirmation of a student's consistent gender identity, the Eligibility Committee/OHSAA Executive Director, of his/her designee, will affirm the student's eligibility to participate in OHSAA activities consistent with the student's gender identification.

B. Appeal of Eligibility Committee's Decision

Upon completion of the appeal to and through the Eligibility Committee, the student will have exhausted all administrative remedies available to him/her. No further appeals with or through the OHSAA exist at that point. However, due to the nature of these issues, the same student may have her/his case revisited by the Executive Director's Office (and subsequently, the Eligibility Committee) as the facts and circumstances of the student evolve or change.