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February 16, 2023

Senator Murman, Chair, and Members of the Education Committee  
State Capitol, Lincoln, NE

RE: LB575 (Kauth) Adopt the Sports and Spaces Act

## OPPOSE

Dear Senator Murman and Members of the Education Committee:

Since its inception, the League of Women Voters has worked for equal rights and opportunities for all, regardless of an individual's race, color, gender, religion, national origin, age, sexual orientation or disability. The League also has protected Title IX, which prohibits discrimination on the basis of sex in educational activities, since its passage in 1972.

In 2022, the League of Women Voters of the United States joined an amicus brief in *Hecox vs. Little*. This case challenges an anti-trans bill in Idaho that would require strict criteria for women and girls to be able to participate in school sports. The National Women's Law Center states that participating in school sports increases test scores, decreases depression rates, and promotes confidence in girls and women. This legislation in Idaho, as well as LB575, are not based in science and derail what should be the main objectives of high school sports – setting goals, inclusivity, and the overall well-being of young people.

According to a recent study, 98% of transgender individuals who have experienced discrimination or violence multiple times in the last 12 months have considered committing suicide, and 51% attempted suicide (Herman, Brown, & Haas, 2019). Suicide ideation and attempts become even more prevalent in transgender individuals as discriminatory and violent experiences increase.

LB575 is an act of discrimination and will only serve to increase suicidality in Nebraska's trans youth.

Eliminating the right to participate in school sports and activities denies young people their constitutional right to equal opportunity and directly defies Title IX. Additionally, LB575 unjustly puts schools and organizations at risk of baseless criminal offenses. Schools already have an important, demanding duty – to educate Nebraska children.

We are especially concerned that LB575 contains no parameters for how schools will determine if people with specific genitalia can participate in women's or men's sports. In *Hecox vs. Little*, LWVUS opposed the Idaho Fairness in Women's Sports Act, which would mandate a health examination completed by a doctor to verify the individual's sex assigned at birth. Historically, these types of examinations especially negatively impact people of color and other cisgender women and men who do not conform to sex-presenting norms.

All people, including trans and nonbinary individuals, deserve equal protection under the law. This is a fundamental American standard. LB575 is an infringement on individual rights and discounts the reality of an extremely vulnerable group of Nebraskans. We urge the committee to oppose LB575 and protect trans and nonbinary rights in our state.

Respectfully,

Cat Henning, Social Policy Action Team, LWVNE  
Rachel Gibson, Vice President-Action, LWVNE

Jill McDermott, Social Policy Director, LWVNE  
MaryLee Moulton, President, LWVNE

Herman, J. L., Brown, T. N.T., & Haas, A. P. (2019). *Suicide thoughts and attempts among transgender adults*. Williams Institute UCLA School of Law. <https://williamsinstitute.law.ucla.edu/publications/suicidality-transgender-adults/>