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To: Senate Human Services Committee
From: Christopher Dodson, Executive Director
Subject: House Bill 1298 - Addendum
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Finally, let me address a few claims made in opposition to HB 1298.

We hear that the bill is not necessary and that NDHSAA already has a policy to address this issue.

What the opponents do not say is that organizations claiming to be “pro-trans” consider NDHSAA’s policies as inadequate for their purposes.¹ They advocate for policies that allow children to compete solely based on their expressed gender at the time of the competition.

Also concerning is that these organizations do not try to advance their agenda through legislative bodies, but instead work to directly influence high school activities associations. In fact, a six point guide for promoting policy endorsed by groups like Transathlete notably excludes any involvement by legislative bodies.² It urges their supporters to directly pressure activities associations.

Indeed, that agenda strategy exposes the truth about another claim of the opposition: that this bill is not needed because no instance of a transgender youth wanting to compete has come up in North Dakota. Their own strategy plan, however, encourages their supporters to be “proactive” and states: “Develop a policy before a transgender student wants to try out for a team.”³ In other words, the opponents argue that you, as a legislative body, should wait while they go ahead and push the activities association to make the changes they want.

Finally, the activities of these groups reveal the truth about another claim made by opponents — that HB 1298 will lead to boycotts and loss of tournaments sponsored by national organizations. According to Transathlete, which tracks the policies of every state, only sixteen states are completely “trans-friendly” and eleven states have policies like that in HB 1298, even if not all were enacted by legislation.⁴ Those states include Texas, Indiana, Georgia, Louisiana, and Nebraska. We have heard no evidence, however, that those states have been boycotted and cannot host tournaments sponsored by national athletic organizations.

¹ See, for example, <https://www.transathlete.com/k-12> and the policy of the LGBT Sports Foundation https://13248aea-16f8-fc0a-cf26-a9339dd2a3f0.filesusr.com/ugd/2bc3fc_c8eeefb073a8421396f6520a4cca9f3b.pdf.

² Developing Policies for Transgender Students on High School Teams, <https://www.nfhs.org/articles/developing-policies-for-transgender-students-on-high-school-teams/>. See also, <https://www.transathlete.com/creating-a-high-school-policy>.

³ Id.

⁴ Transathlete.com, <https://www.transathlete.com/k-12>