

IHSAA physical form asks athletes' sex assigned at birth and gender identity; is challenged as 'invasive'

INDIANAPOLIS — A blank line next to the word "sex" has been replaced on the IHSAA physical form with two questions for athletes. What sex they were assigned at birth — "female, male or intersex." And how they identify their gender — "female, male or other."

The pre-participation physical form is the fifth version that has been used by the IHSAA in the past 20 years, IHSAA assistant commissioner Robert Faulkens said. The organization does not create the questions, rather it uses a template suggested by the American Academy of Pediatrics, with guidance from the Indiana State Medical Association.

But advocates in the LGBTQ+ community say the new questions, which replace the decades-old choices of "F" or "M," are invasive and biased against Indiana's transgender high school athletes.

Those students, said a.t. furuya, shouldn't have to reveal their gender identity or their sex at birth unless they feel comfortable doing so.

"Trans kids don't owe that to people. They don't owe that to anybody," said furuya, senior youth programs manager at New York City-based GLSEN (Gay, Lesbian & Straight Education Network), which works to end discrimination, harassment, and bullying based on sexual orientation, gender identity and gender expression in K-12 schools. "All of this feels very calculated and is not just a fluke. It feels totally like surveillance."

'Happy, healthy and safe'

"We're not physicians here," said Faulkens, who works with the IHSAA's Sports Medicine Advisory Committee. "We are educators and our goal is to make sure kids are happy, healthy and safe."

Faulkens told IndyStar his organization has received no formal complaints about the gender questions athletes have been asked to answer. The change was made now to conform with the latest version from the Academy of Pediatrics, he said.

Each version changes, to align with social and medical issues facing high school students, Faulkens said. For the first time, for example, this version of the form asks students about mental health.

The impact of new rules

For Furuya, whose pronouns are they/them, the new questions are another example of issues facing Indiana's transgender athletes. Those athletes have to prove so much to compete on a team which isn't the athlete's assigned birth sex that it is "discriminatory," Furuya said.

In 2017, the IHSAA adopted a gender policy that required transgender athletes to undergo a sex change to compete on the team of the gender they identify with. Then-IHSAA commissioner Bobby Cox told the New York Times the rules were made to prevent unfair competition.

"When you start talking about transgender athletes, a male-to-female individual, we want to ensure that that is truly a decision that is permanent," Cox said. "It is not a decision that, 'I just decided today that I am going to be a girl and I am going to go play on a girls' team'

and perhaps, disadvantage those kids that are on the team and imbalance the competition."

That policy changed two years ago. Now, for a transgender youth to compete on a high school team in Indiana that matches their gender identity, IHSAA rules require they prove they have been living as the gender they identify with for at least a year.

They must prove "through testimony and/or credible documentation from parents, friends, teachers and others, that the actions, attitudes, dress and manner of the transgender student, for at least one year, are and have been consistent with the gender identification and gender expression of the gender to which the transgender student self relates," the IHSAA policy states.

The policy also requires hormones and testosterone be taken depending on the gender.

"With respect to FTM (female to male), only, the transgender student must establish through testimony and/or credible documentation, from an appropriate health-care professional, that the student has initiated testosterone therapy and has completed counseling, and other medical or psychological interventions related to gender transition," says IHSAA.

For male to female, the athlete must have "completed a minimum of one year of hormone treatment related to gender transition or undergone a medically confirmed gender reassignment procedure," the policy says."

Faulkens said there have been no issues with the rules and the process has been a smooth one for the transgender athletes competing in

various sports throughout Indiana.

"We have kids who have made the change and who have competed (on teams) different than their birth gender," said Faulkens. "I think we've done a good job with the issues that have been raised because there have been no complaints."

To Furuya, the policy seems to be a barrier for trans athletes. Not all trans people, for example, want to use hormones.

"It is not enough for us to accept you for who you are," they said. "We are just going to keep building hurdles to make it harder for you to be the person you identify as."

Each trans person's journey is unique

Indiana's form change puts it at odds with some other states when it comes to asking athletes about gender identity on high school physical forms. Arizona and Kentucky, for example, ask only for gender, which Furuya said shows a sign of acceptance. Illinois does not ask sex, gender or identity.

The number of transgender athletes in Indiana or the United States is unknown as little data has been gathered in that area.

Nearly 2% of high school students — about 310,000 — identify as transgender, according to a 2019 report by the Centers for Disease Control and Prevention. A 2016 study by UCLA's Williams Institute said Indiana ranked 23rd in the nation in the number of transgender adults, with 0.56% identifying as such.

A transgender person is one with a gender identity or gender

expression that differs from societal expectations based on their sex assigned at birth. But each trans person's journey is unique, according to the LGBT Sports Coalition.

Some trans individuals don't identify with any gender and don't consider gender or sexual orientation as part of their identities, the coalition says.

"Trans people can be straight, gay, bisexual, asexual, or have a different sexual identity," it says. "Some trans people use hormones, some do not. Some have surgery, many do not."

State athletic associations across the country have varying rules for transgender athletes that range from friendly to discriminatory to none at all, according to Transathlete.com, a resource for students, athletes, coaches and administrators to find information about trans inclusion in athletics.

Indiana is one of 11 states labeled discriminatory by Transathlete.com, alongside states such as Alabama, Texas and Georgia. Idaho, also tagged as discriminating against trans athletes, allows athletes to compete on teams based only on the sex listed on an existing birth certificate, the most restrictive version of a policy.

In other states, such as Utah, South Dakota and Indiana, the athletic associations "require undue and invasive proof that consists of confidential medical information that must be provided before a school allows a student to participate," a 2020 study by Transathlete.com and GLSEN said. That might include documentation of surgery, hormone reports or other sensitive medical information.

GLSEN points to Oregon as a model system. Oregon's policy states

that students may participate in athletics that align with their gender identity, regardless of the gender marker listed on their birth certificate. No surgery is required. It joins 15 other states considered "friendly" to transgender high school athletes, including Florida, California and New York.

What Indiana HS trans athletes face

The IHSAA rules on gender identity say that participation on a single-gender athletic team is limited to students whose birth gender matches the gender of that team. But it allows for a waiver.

Once the student proves the appropriate requirements, is allowed the waiver and competes on the gender team they identify with, they "may never later participate on a team of the prior gender, even if the student later transitions to the prior, or birth gender."

IndyStar made a request to talk to IHSAA's newly named commissioner, Paul Neidig, but was referred to Faulkens.

Faulkens reiterated the IHSAA's acceptance of transgender athletes and said that the organization is in no way trying to be invasive. Rather, he sees it as a private matter between the student and the school.

"If the (athlete) has done what they are supposed to do," Faulkens said, "I don't think that's anyone's business. It's nobody's business but their own."

Recent controversy

One of the biggest hurdles for transgender athletes, especially girls, is the belief by some that a transgender girl will be a higher-level

competitor than the cisgender girls on her team. (Cis is a term for people whose gender identity matches their sex assigned at birth.)

"You hear, 'They are going to take all the medals away from the cisgender girls' and that is just scientifically not true," said Furuya. "And if it were the case, then we would see a lot more (controversy) than the two girls in Connecticut."

Those transgender girls in Connecticut whom Furuya is referring to are Terry Miller and Andraya Yearwood, who three years ago competed on the girls track and field teams at their high schools.

The two dominated the girls' state championships after joining the girls team, taking home multiple titles in various events.

[Legal action was brought](#) against the Connecticut schools by some parents of those girls' teammates in 2018. In May, the U.S. Department of Education ruled against Connecticut's policy allowing transgender girls to compete as girls in high school sports.

The ruling said allowing them to do so violates the civil rights of athletes who have always identified as female and Title IX, the federal civil rights law that guarantees equal education opportunities for women, including in athletics.

"Girls deserve to compete on a level playing field," Christiana Holcomb, legal counsel for Alliance Defending Freedom, told the media in 2019. "Women fought long and hard to earn the equal athletic opportunities that Title IX provides. Allowing boys to compete in girls' sports reverses nearly 50 years of advances for women under this law. We shouldn't force these young women to be spectators in their own sports."

On the other side, Texas high school wrestler Mack Beggs, a transgender boy who was undergoing hormone therapy as he transitioned from female to male, was not allowed to compete on the boys wrestling team in 2017.

Texas' high school athletic association required Beggs to wrestle in the girls' division due to its rules that sports participation is based on the sex listed on an athlete's birth certificate.

"These are K-12 schools. Most of these athletes are not pro athletes," said Furuya. "Hey, these are kids. The most important thing is feeling and belonging to a school community and, for many, that means being an athlete."

How to be an ally of transgender athletes

- Respect transgender people's names and pronouns in all interactions, including when they are not present. Respect their privacy by not outing them or telling others of their identity without permission.
- Protecting the privacy of transgender student-athletes must be a top priority for all athletic department and affiliated school personnel, particularly when in the presence of the media. All medical information shall be kept confidential in accordance with applicable state, local and federal privacy laws.
- Listen and be supportive. Trans people should control whom they tell about their identity and how they tell them.
- Every journey is different. Some trans people use hormones, some do not. Some have surgery, many do not. Every trans person's journey is unique. People have both a gender identity and sexual orientation,

but some trans individuals don't identify with one or either and don't consider these descriptions part of their identities. Trans people can be straight, gay, bisexual, asexual, or have a different sexual orientation.

-- Challenge your own notions of gender roles and expectations. Use inclusive language. Continue your education on trans topics; do not expect trans people to be responsible for educating you. Do not ask invasive questions.

Source: LGBT Sports Coalition

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