



NYS Education Department's Proposed Rule on Mixed Competition/Athletic Activities Fact Sheet

- The NYS Education Department's proposed rule on school athletic activities is unfair to women. It changes the current policy prohibiting biological males from playing on women's and girls' teams to allowing biological males to play on teams based on gender preference.
- This rule also states that regardless of chosen gender, boys can play on girls' teams if the school does not offer a boys' team in a selected sport.
- This does not 'follow the science.' Biological males have physical advantages over females and pharmacologic interventions will not change that. They also have a better chance of making a team and taking a woman's place competing for the same spot.
- Protecting all students, -- not just transgender students -- should be the NYS Education Department's goal. As multiple recent cases have shown, the safety of female athletes was compromised because of the physical strength of biological males in the same competition.
- This rule will prioritize a biological male's gender choice over a woman's use of safe spaces such as locker rooms. What will be the recourse for women who are uncomfortable with this arrangement?
- Subjective feelings about gender could change yet the Department offers no guidance regarding how such cases will be accounted for to ensure fairness to women.
- In the April 2024 Siena College poll, 66% of New York voters said high school athletes should compete against others of the gender *they were assigned at birth*.
- At the same time, NY voters approved an amendment to the New York State Constitution which proponents called an "Equal Rights Amendment." Based on this, the State Board of Education should not finalize this rule as it will favor transgender biological males over females.
- Further, the New York State legislature together with Governor Hochul should amend the Gender Expression Non-Discrimination Act (GENDA) to clearly exclude from the scope of GENDA biological males playing on women's/girls' sports teams.
- This is now a national bipartisan conversation and voters, along with both Democrats and Republicans, have openly stated their opposition to men playing in women's sports teams.
- Women will bear the burden and the consequences of this outrageous policy. We call on Governor Hochul and the legislature to align with the rest of the nation and take immediate action to stop this unfair treatment to women.