

January 13, 2026

Chair Feyen, Vice Chair Kapenga, and Honorable Members of the Senate Committee on Government Operations, Labor, and Economic Development:

The American Civil Liberties Union of Wisconsin appreciates the opportunity to provide testimony in opposition to Assembly Bill 100 and Assembly Bill 102.

Plain and simple, excluding trans students from participating in sports teams consistent with their authentic gender identity is harmful and discriminatory. Bills like AB-100 and AB-102 are part of a nationwide coordinated effort to deny transgender people their freedom, safety, and dignity. Anyone paying attention can see that the ultimate goal of legislation like this is to push transgender people out of public life altogether. Last year alone, over 600 anti-LGBTQ bills were introduced in statehouses across the country.¹ **To be clear, transgender people have always existed and they always will. School board members, state legislators, and the President of the United States do not get to decide that they don't.**

Just yesterday the U.S. Supreme Court held oral arguments in two landmark cases challenging state laws banning transgender youth from participating in interscholastic and intercollegiate sports. Lambda Legal, the American Civil Liberties Union (ACLU), and Legal Voice filed two challenges, *West Virginia v. BPJ* and *Little v. Hecox*, on behalf of two transgender female athletes – one in West Virginia and one in Idaho – who were categorically barred by West Virginia and Idaho state law from participating on the girls' and women's sports teams at their schools. Attorneys for the two transgender athletes argued that the bans violate the rights of transgender and cisgender female students under the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. In addition, in *West Virginia v. B.P.J.* they argued that West Virginia's ban violates Title IX, the federal law prohibiting sex discrimination in educational programs. Federal courts have blocked enforcement of these bans in both lawsuits.

Since 2020, 27 states have banned transgender youth from playing school sports. Many of these bans allow for invasive forms of sex testing that put all female student-athletes at risk and embolden intrusive challenges to student-athletes' sex. Transgender students participate in sports for the same reasons other young people do: to challenge themselves, express themselves, and be part of a team. Excluding transgender students from participation just deprives them of opportunities available to their peers and sends the message they are not worthy of a full life.

Transgender athletes' participation is nothing new. Trans people of all ages have been participating in sports consistent with their gender at all levels for years, including at the Olympics since at least since 2004 and in the NCAA since at least 2011. With close to 20 years of clear policies for inclusion of women and girls who are transgender in women's events at the highest level of sport, there has been absolutely no categorical dominance by women and girls who are transgender anywhere.

¹ Mapping Attacks on LGBTQ Rights in U.S. State Legislatures," ACLU (Jan. 13, 2026), <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2025>.

We must also recognize that trans athletes are a tiny percentage of athletes in this country. NCAA President Charlie Baker testified in front of Senate Judiciary Committee in December of 2024 during a hearing on federal sports regulations. When asked about how many transgender athletes participate in college sports, he testified that there are 510,000 NCAA athletes in schools across the U.S. and **fewer than ten of them are transgender.**² There is no crisis of transgender student athletes in our country.

Sports governing bodies created transgender sports policies for a population that is exceedingly small, and one that already lacks representation in sports due to exorbitant social and socioeconomic disadvantage. For youth, advantage comes largely from proximity to privilege.³ The average parent of a child in youth sports spends \$883 per single season of participation.⁴ Meanwhile, disparities faced by the transgender community begin at a young age and impact all facets of life including sports access. Transgender youth are 9 times more likely to experience homelessness and associated poverty.⁵ Sixty-eight percent experience bullying in middle school and high school.⁶ In 2015, 22% of transgender women surveyed stated they were bullied so badly in school that they dropped out.⁷

Without supportive services to help transgender students navigate these additional challenges, it's tougher for them than their peers to make it through class, let alone onto a soccer field. Efforts to ban transgender girls from participating in girls' sports jeopardize their mental health, physical well-being and ability to access education opportunities comparable to their peers. Participating in sports results in positive outcomes for students — better grades, greater homework completion, higher educational and occupational aspirations, and improved self-esteem.⁸ We should want that for all Wisconsin students.

We urge committee members to think deeply about the realities of enforcing the ban proposed in AB-100 and AB-102. Do we want to live in a state where little girls are forced to answer invasive personal questions about their bodies and face humiliating physical inspections of their private parts by adult strangers? Every student is at risk under this bill. Any player could be targeted with questions about their gender – whether that's from an opposing team or a teammate who is upset they lost out on playing time or didn't make a team. We all want sports to be fair and safe for students. Sports authorities are already able to make rules about who can participate in different sports at different levels. But instead of common-sense guidelines, these bills create a broad exclusion of a vulnerable group of students with one-size-fits-all rules just because of who they are.

² "NCAA president says there are 'less than 10' transgender athletes in college sports," The Hill (Dec. 18, 2024), <https://thehill.com/homenews/lgbtq/5046662-ncaa-president-transgender-athletes-college-sports/>.

³ "The Making of a College Athlete: High School Experiences, Socioeconomic Advantages, and the Likelihood of Playing College Sports," Sociology of Sport Journal (Aug. 2021), <https://journals.humankinetics.com/view/journals/ssj/39/2/article-p129.xml>.

⁴ "Youth Sports Facts: Challenges," Project Play, <https://projectplay.org/youthsports/facts/challenges>.

⁵ "Student Homelessness: Lessons from the Youth Risk Behavior Survey," School House Connection (June 2021), <https://schoolhouseconnection.org/wp-content/uploads/2021/06/YRBS-Part-III-SexualOrientation-and-Gender-Identity-Equity.pdf>.

⁶ "Bullying and Suicide Risk among LGBTQ Youth," The Trevor Project (Oct. 14, 2021), <https://www.thetrevorproject.org/research-briefs/bullying-and-suicide-risk-among-lgbtq-youth/>.

⁷ "The Report of the 2015 U.S. Transgender Survey," National Center for Transgender Equality (Dec. 2016), <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

⁸ Expert Declaration of Dr. Mary Fry from *Hecox v. Little*, https://www.aclu.org/sites/default/files/field_document/hecox_v_little_-_fry_declaration.pdf.