

NINA MOINI: The Supreme Court is allowing states to ban transgender girls and women from playing on girls sports teams at school. 27 states have enacted such bans. Minnesota is not one of them, meaning right now, transgender girls can play on girls teams in Minnesota schools. Joining me with more on this ruling's impact is Jess Braverman, Legal Director with the nonprofit Gender Justice. Thanks for being with us, Jess.

JESS Thank you so much for having me.

BRAVERMAN:

NINA MOINI: I'm glad you're here to dive into this, because as I mentioned, Minnesota does not have a transgender athlete ban. What does Minnesota state law say about transgender athletes right now, and what does that mean as it relates to the federal policy?

JESS Many levels of Minnesota law protect transgender students, including transgender athletes, from discrimination and exclusion. So the Minnesota high school league is trans inclusive. Their policies do require schools to include trans students.

BRAVERMAN:

In addition to that, we also have the Minnesota Human Rights Act, which is a state level anti-discrimination law, and that requires school sports teams, anything of that nature to be trans inclusive. The Minnesota Constitution also protects students and transgender athletes from discrimination. So at every level of Minnesota law, transgender students and transgender athletes enjoy protections from discrimination. That means in Minnesota, transgender girls can play sports with other girls, with their friends, and transgender boys can play sports with boys, with their peers.

NINA MOINI: I'm curious about individual school districts, too, which I understand, often, are the ones that are immediately responding to questions when they come up. How does this ruling impact individual school districts and whether they allow transgender students to participate in sports?

JESS The ruling in no way allows schools to violate Minnesota law. So what the court ruled was that Title IX, which is a federal anti-discrimination law, it prohibits sex discrimination in schools that accept federal funding. What the court ruled was that Title IX allows schools to discriminate against transgender students.

BRAVERMAN:

However, at the end of the day, schools have to follow state laws. So if you're in a state that protects transgender students from discrimination, schools do have to follow that law. In other words, there is no conflict between Title IX, the federal law, and state law that requires inclusion. And so, school districts all across the state must continue to be inclusive, and nothing about the ruling from the Supreme Court changes that.

NINA MOINI: President Trump called the ruling a "big win." This isn't the only time, recently, the Supreme Court has ruled on rights of transgender people. The court allowed the Trump administration to enforce a ban on transgender military troops. It also ruled on a ban on gender affirming care for minors. Even though there might be different rules in the state of Minnesota, obviously, you keep a close eye on what is going on in other parts of the country and at other levels of government. How do you think it's all related, or what message do you feel like this is sending to the trans community?

JESS BRAVERMAN: I know that trans folks are really scared. We represent families in North Dakota, where there's a gender affirming care ban, and these families at great expense and at a great cost, have to travel out of state just to receive health care in states like Minnesota. It sends a really bad message. We, unfortunately, have heard of an uptick in suicide attempts and ideation as a result of all of these anti-trans laws that go into place, and it is really disheartening for trans folks who are just constantly under attack in state legislatures around the country to hear the US Supreme Court say, well, we're not going to expand your rights, we're not going to protect you from this discrimination.

It's really hurtful. It's really disheartening, and it has an impact on people, even if you live in a state, like Minnesota, with inclusive laws. It's still hard to hear this message over and over and over. And so, I think people, no matter what state they're in, are being harmed by this. But it's so bizarre that fundamental rights, your fundamental well-being, your healthcare, your right to participate in schools without being discriminated against, it depends on what state you're currently living in, which is something that minors can't control, because a lot of these laws target minors. And so, it's just really disheartening to see that our Supreme Court is not stepping up and is being really stingy with how they interpret the Constitution, just unnecessarily stingy.

NINA MOINI: All right, Jess, thanks for coming on and talking about this with us. We appreciate you.

JESS Of course. Thank you.

BRAVERMAN:

NINA MOINI: That was Jess Braverman, the Legal Director with the nonprofit Gender Justice.