

**Nos. 23-16026 / 23-16030**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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HELEN DOE, parent and next friend of Jane Doe et al.,

*Plaintiffs-Appellees,*

v.

THOMAS C. HORNE, in his official capacity as State Superintendent of  
Public Instruction,

*Defendant-Appellant,*

and

WARREN PETERSEN, Senator, President of the Arizona State Senate;

BEN TOMA, Representative, Speaker of the Arizona House of  
Representatives,

*Intervenors-Defendants-Appellants.*

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On Appeal from the United States District Court  
for the District of Arizona  
Case No. 4:23-cv-00185-JGZ

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**BRIEF OF AMICUS CURIAE THE TREVOR PROJECT, INC.  
IN SUPPORT OF PLAINTIFFS-APPELLEES AND IN FAVOR OF  
AFFIRMANCE**

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## CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and 29(a)(4)(A), The Trevor Project, Inc. (“The Trevor Project”) is a 501(c)(3) organization. The Trevor Project does not have a parent corporation. The Trevor Project is not a publicly traded company, and no publicly held corporation owns 10% or more of its stock.

Dated: October 13, 2023

Respectfully submitted,

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**IDENTITY AND INTEREST OF AMICI CURIAE AND SOURCE  
OF THEIR AUTHORITY TO FILE THIS BRIEF**

Founded in 1998, The Trevor Project is the nation’s leading lesbian, gay, bisexual, transgender, queer, and questioning (“LGBTQ”) youth crisis intervention and suicide prevention organization. It is the only nationwide organization that offers accredited, free, and confidential phone, instant message, and text messaging crisis intervention services with an exclusive focus on LGBTQ youth. Tens of thousands of individuals use these services every month. By monitoring, analyzing, and evaluating data obtained from these services, The Trevor Project produces innovative research and insights that bring new knowledge, with clinical implications, on issues affecting LGBTQ youth.

The Trevor Project has a special interest in this litigation as well as familiarity and knowledge of the significant harms that transgender youth endure from laws like A.R.S. § 15-120.02 that mandate discrimination against transgender youth. For decades, The Trevor Project has worked directly with transgender youth, many of whom struggle with the pain and stigma of being excluded from participating in school sports in a manner consistent with their gender identity. The Trevor Project is therefore acutely aware of the severe mental health

effects that discrimination of this form can have on transgender youth, and can provide a unique and important perspective regarding the damaging results that will flow from A.R.S. § 15-120.02 if this Court does not affirm the district court's decision.<sup>1</sup>

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<sup>1</sup>No party's counsel authored this brief in whole or in part. No party or party's counsel contributed money that was intended to fund preparing or submitting this brief. No person other than amicus curiae, its members, or its counsel contributed money that was intended to fund preparing or submitting this brief. All parties have consented to the filing of this brief.

## SUMMARY OF ARGUMENT

Transgender people, meaning people whose gender identity<sup>2</sup> differs from their sex assigned at birth, have endured a long history of discrimination, which continues to this day.<sup>3</sup> The enforcement of A.R.S. § 15-120.02 (the “Ban”) will exacerbate this long history of discrimination against transgender people. The Ban threatens immediate and irreparable harm to young people in Arizona by categorically denying transgender women and girls the opportunity to participate in sports,<sup>4</sup> promoting policing the bodies of young people and children, and enforcing stigmatizing and discriminatory rhetoric that transgender women and girls are not wanted in school athletics—an activity that is for many the hallmark of their educational experience. As the district court properly found, the Ban “was adopted for the purpose of excluding transgender

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<sup>2</sup> The term “gender identity” refers to an individual’s “deeply felt, inherent sense of their gender.” *Edmo v. Corizon, Inc.*, 935 F.3d 757, 768 (9th Cir. 2019). An individual’s gender identity is durable and cannot be changed by medical intervention. *See GLAAD Media Reference Guide – Glossary of Terms: Transgender*, GLAAD, <https://www.glaad.org/reference/trans-terms>. Cisgender individuals have a gender identity aligning with the sex assigned at birth. *Id.*

<sup>3</sup> *See Hecox v. Little*, 79 F. 4th 1009, 1029 (9th Cir. 2023).

<sup>4</sup> *See* A.R.S. § 15-120.02(A)–(B).

girls from playing on girls' sports teams.”<sup>5</sup> And this Court has recognized that laws like A.R.S. § 15-120.02 “necessarily mean[ ]” that transgender youth are denied the “educational benefits” flowing from athletic participation, including the “benefits of shared community, teamwork, leadership, and discipline.”<sup>6</sup>

The Trevor Project’s daily experiences with transgender youth, corroborated by years of research, confirm that denying transgender youth the opportunity to join sports teams that align with who they are is a serious form of discrimination, that sends a harmful message of stigmatization and exclusion and deprives transgender youth of the recognized physical, psychological, and emotional benefits of school sports. The Trevor Project urges the court to affirm the district court’s order enjoining the enforcement of A.R.S. § 15-120.02.

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<sup>5</sup> *Doe v. Horne*, \_\_\_ F. Supp. 3d \_\_\_, 2023 WL 4661831, at \*8 (D. Ariz. Jul. 20, 2023).

<sup>6</sup> *Hecox*, 79 F. 4th at 1039; *see also Doe*, 2023 WL 4661831, at \*9 (“[s]chool sports offer social, emotional, physical, and mental health benefits,” such that excluding transgender girls “would be psychologically damaging”).

## ARGUMENT

### I. Discriminatory Laws and Policies Place Transgender Youth’s Health and Well-Being at Risk.

Laws like A.R.S. § 15-120.02 stigmatize and exclude transgender youth, a group that already experiences significant harassment and discrimination.<sup>7</sup> Transgender women and girls, in particular, have been recognized as a group that has “historically been discriminated against, not favored.”<sup>8</sup> Discriminatory policies like A.R.S. § 15-120.02 are inherently damaging to transgender youth as they single them out in order to exclude them and thus send the stigmatizing message that they are not deserving of inclusion or respect.<sup>9</sup> Other courts have recognized the detrimental physical and mental health effects as well as irreparable injury of exclusionary policies denying transgender youth equal access to

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<sup>7</sup> See *Doe*, 2023 WL 4661831, at \*9.

<sup>8</sup> *Hecox*, 79 F. 4th at 1029.

<sup>9</sup> Defendant-Appellants contend that the Ban “treats all student-athletes alike” because it mandates segregation of sports teams by “biological sex” as defined in the Ban. Consolidated Brief of Defendant-Appellants and Intervenor-Defendants-Appellants at 11–12, 22, 49, *Doe v. Horne*, Nos. 23-16026 / 23-16030 (9th Cir. Sept. 8, 2023). It does not: the Ban prevents transgender girls from playing, as they cannot play on a boys’ sports team. See *Doe*, 2023 WL 4661831, at \*16–17 (holding that the Ban is discriminatory both “on [its] face” and in its “purpose”); see also *Hecox*, 79 F. 4th at 1029.

sports.<sup>10</sup> The Trevor Project's telephone lifeline and chat and text messaging crisis services constantly receive outreach from transgender youth suffering from the effects of discriminatory policies like A.R.S. § 15-120.02.<sup>11</sup> When elected officials use their platforms to attack or make disparaging comments toward transgender people, The Trevor Project often sees an increase in crisis contacts from transgender youth.<sup>12</sup>

The Trevor Project documented the empirical impact of discrimination on transgender youth through a national cross-sectional survey of over 28,000 LGBTQ youth between the ages of 13 and 24, with over one-half of respondents identifying as transgender and/or

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<sup>10</sup> See, e.g., *id.*; *A.M. by E.M. v. Indianapolis Pub. Sch.*, 617 F. Supp. 3d 950, 967 (S.D. Ind. 2022), *appeal dismissed sub nom. A.M. by E.M. v. Indianapolis Pub. Sch. & Superintendent*, 2023 WL 371646 (7th Cir. Jan. 19, 2023) (finding that a transgender girl taking puberty blockers would suffer irreparable harm from the enforcement of a nearly identical Indiana law).

<sup>11</sup> The Trevor Project's evidence in Sections I and II underscores the discrimination that transgender youth regularly face and cuts directly against any argument under *Clark, ex rel. Clark v. Arizona Interscholastic Ass'n*, 695 F.2d 1126, 1131 (9th Cir. 1982); see also *Hecox*, 79 F. 4th, at 1028–30 (distinguishing *Clark*).

<sup>12</sup> THE TREVOR PROJECT, *New Data Illuminates Mental Health Concerns Among Texas' Transgender Youth Amid Record Number of Anti-Trans Bills* (Sept. 27, 2021), <https://www.thetrevorproject.org/blog/new-data-illuminates-mental-health-concerns-among-texas-transgender-youth-amid-record-number-of-anti-trans-bills>.

nonbinary.<sup>13</sup> It is one of the most diverse surveys of the mental health of LGBTQ young people ever conducted. The survey revealed a clear link between discrimination and risks to transgender youth: LGBTQ young people who experienced discrimination were over two times as likely to report having attempted suicide in the past year than those who did not.<sup>14</sup> Nearly one in three LGBTQ young people said their mental health was poor most or all of the time due to anti-LGBTQ policies and legislation.<sup>15</sup> Over 60% of transgender and nonbinary young people reported they were discriminated against due to their gender identity.<sup>16</sup> Transgender girls in particular report extraordinarily high levels of discrimination based on their gender identity. In The Trevor Project's 2022 survey, for example, 77% of transgender girls reported experiencing discrimination.<sup>17</sup>

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<sup>13</sup> THE TREVOR PROJECT, *2023 U.S. National Survey on the Mental Health of LGBTQ Young People* 28, 30 (May 2023), [https://www.thetrevorproject.org/survey-2023/assets/static/05\\_TREVOR05\\_2023survey.pdf](https://www.thetrevorproject.org/survey-2023/assets/static/05_TREVOR05_2023survey.pdf) [hereinafter "2023 Trevor Project National Survey"].

<sup>14</sup> *Id.* at 17.

<sup>15</sup> *Id.* at 13.

<sup>16</sup> *Id.* at 16.

<sup>17</sup> THE TREVOR PROJECT, *2022 National Survey on LGBTQ Youth Mental Health* 18 (2022), [https://www.thetrevorproject.org/survey-2022/assets/static/trevor01\\_2022survey\\_final.pdf](https://www.thetrevorproject.org/survey-2022/assets/static/trevor01_2022survey_final.pdf) [hereinafter "2022



In a recent poll conducted by The Trevor Project, 86% of transgender and nonbinary youth indicated that the current political climate—and recent debates surrounding state laws that restrict the rights of transgender people—negatively impacted their mental health.<sup>18</sup> Specifically, policies like A.R.S. § 15-120.2 that ban transgender girls from playing on girls’ sports teams and transgender boys from playing on boys’ sports teams make 64% of transgender and nonbinary youth feel angry; 44% feel sad; 39% feel stressed; and 30% of transgender young people feel hopeless.<sup>19</sup> Nearly half of transgender and nonbinary youth

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Trevor Project National Survey”]; *see also* THE TREVOR PROJECT, *The Trevor Project Opposes Proposed Federal Ban on Trans Women & Girls in Sports* (Mar. 8, 2023), <https://www.thetrevorproject.org/blog/the-trevor-project-opposes-proposed-federal-ban-on-trans-women-girls-in-sports>.

<sup>18</sup> MORNING CONSULT & THE TREVOR PROJECT, *Issues Impacting LGBTQ Youth: Polling Presentation 6* (2023), [https://www.thetrevorproject.org/wp-content/uploads/2023/01/Issues-Impacting-LGBTQ-Youth-MC-Poll\\_Public-2.pdf](https://www.thetrevorproject.org/wp-content/uploads/2023/01/Issues-Impacting-LGBTQ-Youth-MC-Poll_Public-2.pdf) [hereinafter “January 2023 Issues Survey”]; *see also* THE TREVOR PROJECT, *The Trevor Project Condemns Passage of Federal Ban on Trans Women & Girls in Sports by U.S. House* (Apr. 20, 2023),

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<sup>19</sup> January 2023 Issues Survey, *supra* note 18, at 11; *see also* THE TREVOR PROJECT, *New Poll Emphasizes Negative Impacts of Anti-LGBTQ Policies on LGBTQ Youth* (Jan. 19, 2023), <https://www.thetrevorproject.org/blog/new-poll-emphasizes-negative-impacts-of-anti-lgbtq-policies-on-lgbtq-youth>.

reported experiencing cyberbullying or online harassment as a result of anti-LGBTQ policies and debates in the past year, while 24% reported experiencing bullying at school due to such policies and debate.<sup>20</sup> Nearly three in ten transgender or nonbinary young people did not feel safe going to the doctor or hospital when they were sick or injured.<sup>21</sup> These statistics show the substantial risk of harm that A.R.S. § 15-120.02, which discriminates against transgender youth, will have on a group of young people already experiencing widespread institutional and daily discrimination.

The Trevor Project's findings are corroborated by peer-reviewed research. Several studies similarly detail the negative impacts of social discrimination on transgender youth's health and well-being.<sup>22</sup> Research

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<sup>20</sup> January 2023 Issues Survey, *supra* note 18, at 7.

<sup>21</sup> *Id.* at 8.

<sup>22</sup> See, e.g., Alex Siu Wing Chan et al., *Diversity and Inclusion: Impacts on Psychological Wellbeing Among Lesbian, Gay, Bisexual, Transgender, and Queer Communities*, FRONTIERS IN PSYCH., April 2022, at 1, 2–5, <https://www.frontiersin.org/articles/10.3389/fpsyg.2022.726343/full> (reviewing recent studies); see also Myeshia Price-Feeney, Amy E. Green & Samuel Dorison, *Understanding the Mental Health of Transgender and Nonbinary Youth*, 66 J. ADOLESCENT HEALTH 684, 689–90 (2020), [https://www.jahonline.org/article/S1054-139X\(19\)30922-X/pdf](https://www.jahonline.org/article/S1054-139X(19)30922-X/pdf); Erin C. Wilson et al., *The Impact of Discrimination on the Mental Health of Trans\*Female Youth and the Protective Effect of Parental*

from GLSEN's 2021 School Climate Survey further corroborates The Trevor Project's findings, revealing that 58.9% of LGBTQ students reported experiencing LGBTQ-related discriminatory policies or practices at school, and when compared to LGBTQ students who did not experience LGBTQ-related discrimination at school, were nearly three times as likely to have missed school in the past month, had lower GPAs, and had higher levels of depression.<sup>23</sup>

It should come as no surprise that, by contrast, when transgender youth are supported and affirmed, they benefit significantly.<sup>24</sup> The Trevor Project found that transgender and nonbinary youth whose gender was affirmed by all of the people they live with by using pronouns consistent with their identities reported attempting suicide at nearly half the rate of those who did not have their pronouns consistently respected.<sup>25</sup> Transgender and nonbinary young people who had access to

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*Support*, 20 AIDS & BEHAVIOR 1, 7–8 (2016),  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5025345>.

<sup>23</sup> GLSEN, *The 2021 National School Climate Survey* xvii–xx (2022),  
<https://www.glsen.org/sites/default/files/2022-10/NSCS-2021-Full-Report.pdf>; see also Caitlin Ryan et al., *Family Acceptance in Adolescence and the Health of LGBT Young Adults*, 23 J. CHILD & ADOLESCENT PSYCHIATRIC NURSING 205, 210 (2010).

<sup>24</sup> See, e.g., 2023 Trevor Project National Survey, *supra* note 13, at 21.

<sup>25</sup> *Id.* at 24.

gender-affirming spaces, gender-neutral bathrooms, and gender-affirming clothing also reported lower rates of suicidality compared to transgender and nonbinary young people who did not have this access.<sup>26</sup> Recent research has similarly found that school policies that provide resources and protections for LGBT students mitigate the challenges faced by this vulnerable group and lead to better outcomes at school for LGBT youth.<sup>27</sup> Other research demonstrates that “allowing children to present in everyday life as their gender identity rather than their natal sex is associated with developmentally normative levels of depression and anxiety.”<sup>28</sup> When transgender youth are supported by their families, there is “clear evidence that transgender children have levels of anxiety and depression no different from their nontransgender siblings and peers.”<sup>29</sup> Transgender students experience a greater incidence of emotional distress not because of their gender identity, but because of

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<sup>26</sup> *Id.* at 23, 25.

<sup>27</sup> See Stephen T. Russell et al., *Promoting School Safety for LGBTQ and All Students*, 8 POL’Y INSIGHTS FROM BEHAV. & BRAIN SCIS. 160, 160 (2021), <https://doi.org/10.1177/23727322211031938>.

<sup>28</sup> Kristina R. Olson et al., *Mental Health of Transgender Children Who Are Supported in Their Identities*, 137 PEDIATRICS 1, 5 (2016), <https://pediatrics.aappublications.org/content/pediatrics/137/3/e20153223.full.pdf>.

<sup>29</sup> *Id.* at 7.

persistent discrimination by those around them.<sup>30</sup> Affirming the district court's order enjoining the enforcement of A.R.S. § 15-120.02 is necessary to protect transgender youth from the harms caused by discrimination.

## **II. Denying Transgender Youth Access to Participation on Sports Teams that Correspond with Their Gender Identities Will Cause Significant Harm.**

Legislation like A.R.S. § 15-120.02 that bans transgender students from participating in sports has been shown to worsen the discrimination and stigmatization against transgender students, causing poorer physical and mental health for transgender and nonbinary young people.<sup>31</sup> The Trevor Project maintains data regarding the people who

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<sup>30</sup> See, e.g., Laura C. Wilson & Miriam Liss, *Belonging and Loneliness As Mechanisms in the Psychological Impact of Discrimination Among Transgender College Students*, 20 J. LGBT YOUTH 705, 707 (2022), <https://doi.org/10.1080/19361653.2022.2049418>; Joanna Almeida et al., *Emotional Distress Among LGBT Youth: The Influence of Perceived Discrimination Based on Sexual Orientation*, 38 J. YOUTH & ADOLESCENCE 1001, 1002 (2009), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3707280/pdf/nihms261853.pdf>.

<sup>31</sup> Jonah P. DeChants et al., *"I Get Treated Poorly in Regular School—Why Add To It?": Transgender Girls' Experiences Choosing to Play or Not Play Sports*, TRANSGENDER HEALTH 2 (2022), <https://www.liebertpub.com/doi/epub/10.1089/trgh.2022.0066>; January 2023 Issues Survey, *supra* note 18, at 6.

use its crisis suicide prevention services.<sup>32</sup> Supervisors for The Trevor Project’s crisis services regularly assist transgender youth in navigating sports-related issues.<sup>33</sup> Many transgender youth have reached out to The Trevor Project with specific concerns about participation in sports at their high schools.<sup>34</sup> Terms like “sports” and “athlete” appear on The Trevor Project’s chat and text messaging platforms hundreds of times.<sup>35</sup> The Trevor Project’s data confirms that fear of being denied the opportunity to participate in sports is a recurring theme for transgender youth.<sup>36</sup>

Despite the known health benefits of youth participation in sports,<sup>37</sup> The Trevor Project’s research has found that the majority of LGBTQ youth have never participated in a school or community sports league or club, while only 32% of LGBTQ youth reported that they had participated

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<sup>32</sup> The information in this Section comes from anonymized data that The Trevor Project has collected, compiled, and reviewed on its telephone, chat, and text messaging platforms as well as data collected as part of a 2020 survey about participation in sports. In order to protect the privacy of the youth using its services, The Trevor Project does not make this data publicly available.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> See DeChants et al., *supra* note 31, at 2.

in sports in those environments.<sup>38</sup> Many transgender young people reported not participating in sports because barriers to participation create an unwelcoming environment.<sup>39</sup> For example, one transgender young person reported: “I probably wouldn’t be allowed onto the boys’ team because I’m a trans boy (both parents and school won’t allow this), and even if I was allowed I’d be at a huge risk of bullying.”<sup>40</sup>

The Trevor Project’s research has also found that transgender and/or nonbinary youth specifically had significantly lower rates of participation in sports compared to their cisgender LGBTQ peers; youth who identified as transgender or nonbinary were nearly half as likely to report sports participation (17%) compared to cisgender LGBTQ youth, 27% of whom reported participating in sports.<sup>41</sup> Even so, The Trevor Project’s research also revealed that transgender and nonbinary youth’s

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<sup>38</sup> THE TREVOR PROJECT, *Research Brief: LGBTQ Youth Sports Participation*, 1 (Sept. 2021), [https://www.thetrevorproject.org/wp-content/uploads/2021/09/LGBTQ-Youth-and-Sports\\_-September-Research-Brief-2.pdf](https://www.thetrevorproject.org/wp-content/uploads/2021/09/LGBTQ-Youth-and-Sports_-September-Research-Brief-2.pdf) [hereinafter “2021 Trevor Project Youth Sports Research Brief”].

<sup>39</sup> See DeChants et al., *supra* note 31, at 6.

<sup>40</sup> 2021 Trevor Project Youth Sports Research Brief, *supra* note 38, at 2.

<sup>41</sup> THE TREVOR PROJECT, *Research Brief: LGBTQ Youth Sports Participation* (June 23, 2020), <https://www.thetrevorproject.org/2020/06/23/research-brief-lgbtq-youth-sports-participation>.



participation in sports is associated with positive well-being indicators. For example, 27% of transgender/nonbinary youth who participated in sports reported receiving mostly A's compared to 19% who did not.<sup>42</sup>

Building on its commitment to prevent suicide among LGBTQ young athletes, The Trevor Project spent months meeting with LGBTQ athletes to understand the challenges they face in youth sports.<sup>43</sup> One transgender youth athlete shared that when she came out as transgender, her love of sports greatly diminished because her school prevented her from using any gendered spaces, including locker rooms.<sup>44</sup> As a result of the stress of her school's discriminatory practices, this athlete began engaging in self-injury and ultimately attempted suicide.<sup>45</sup> These are the types of injuries that, if not enjoined, A.R.S. § 15-120.02 will exacerbate.

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<sup>42</sup> THE TREVOR PROJECT, *Research Brief: The Well-Being of LGBTQ Youth Athletes* (Aug. 31, 2020), <https://www.thetrevorproject.org/2020/08/31/research-brief-the-well-being-of-lgbtq-youth-athletes>.

<sup>43</sup> These accounts are derived from anonymized interviews of LGBTQ athletes conducted by The Trevor Project in the summer of 2020.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*



Nevertheless, participants shared that when surrounded by support and encouragement from teammates, transgender youth athletes thrived.<sup>46</sup> In a study by The Trevor Project, one transgender young person reported that sports “help me cope with gender dysphoria and depression.”<sup>47</sup> Another stated that: “I find that sports are a good way to distract me from my negative thoughts.”<sup>48</sup> This is consistent with The Trevor Project’s experience in its crisis services, as transgender youth regularly report to counselors that their participation in sports teams is an integral part of their lives and a source of positive energy.<sup>49</sup> Many students expressed that participating in sports built their self-esteem, created bonds with their peers, and supported their academic success.<sup>50</sup> For one transgender student who had been kicked out of her home after she transitioned, participating on a track team served as a source of resilience and hope for the future.<sup>51</sup> Another student shared that their team is their only refuge.<sup>52</sup> A third shared that their coach was their “go-

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<sup>46</sup> 2021 Trevor Project Youth Sports Research Brief, *supra* note 38, at 1.

<sup>47</sup> *Id.* at 2.

<sup>48</sup> *Id.*

<sup>49</sup> *See supra* note 43.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

to” person that they were able to talk to about their challenges as a transgender youth.<sup>53</sup> A.R.S. § 15-120.02 would jeopardize these positive experiences for transgender youth, excluding them from an important source of community and support. This is especially harmful given another statistic identified through The Trevor Project’s research; LGBTQ youth who report having at least one accepting adult were 40% less likely to report a suicide attempt in the past year.<sup>54</sup> Coaches, trainers, and other people associated with sports can serve as that critical adult.

A.R.S. § 15-120.02 would greatly exacerbate the barriers and emotional hardships transgender youth already experience when participating in sports. Transgender students frequently express that they hope to be valued for their contributions to their school sports teams, just as other students are, and that they will not be excluded from participation simply for being transgender.<sup>55</sup> Yet, many transgender

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<sup>53</sup> *Id.*

<sup>54</sup> THE TREVOR PROJECT, *Research Brief: Accepting Adults Reduce Suicide Attempts Among LGBTQ Youth* (June 27, 2019), <https://www.thetrevorproject.org/2019/06/27/research-brief-accepting-adults-reduce-suicide-attempts-among-lgbtq-youth>.

<sup>55</sup> *See supra* note 43.

students express fear and distress that they will be prevented from playing or kicked off teams or excluded from sports that they love.<sup>56</sup> A transgender student who had earned their spot on a cross-country team expressed that they began to experience harassment after their teammates learned they were transgender.<sup>57</sup> A transgender basketball player who had played since childhood worried that if they transitioned they would not be able to play the sport in college.<sup>58</sup> A transgender student with a disability expressed that they would have to give up on training for a Paralympic team because of the policies excluding transgender athletes.<sup>59</sup> Transgender students in Arizona will experience similar forms of emotional turmoil and pain if this Court allows A.R.S. § 15-120.02 to be enforced, as the policy calls unnecessary attention to a youth's transgender status and forces them off teams that align with who they are.

Transgender students are already at risk of poor educational and mental health outcomes due to widespread harassment and

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<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

discrimination.<sup>60</sup> A.R.S. § 15-120.02 exacerbates these risks, sending the message that transgender young people are unwanted and unwelcome in their school communities.<sup>61</sup> Many transgender students who contacted The Trevor Project expressed their pain and distress at being excluded from sports because they are transgender. While the fear of losing their team was agonizing for many transgender students, the pain of being excluded from participation was even worse.<sup>62</sup> One student told a counselor that their sport was the thing they loved most in the world and that the only thing that would ever make them any happier is if they were able to get sports back.<sup>63</sup>

The common theme that The Trevor Project sees is that exclusionary policies like A.R.S. § 15-120.02 send a message that transgender youth are unwanted and unwelcome in their school community. These youth fundamentally need the same respect, support,

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<sup>60</sup> See Letter from NCLR & The Trevor Project et al., to Hon. Miguel Cardona, Sec’y of Educ., and Hon. Catherine Lhamon, Asst. Sec’y for C.R. (May 15, 2023), <https://www.nclrights.org/wp-content/uploads/2023/05/NCLR-et-al-Comments-on-Dept-of-Education-Athletics-NPRM-RIN-1870-AA19.pdf>.

<sup>61</sup> January 2023 Issues Survey, *supra* note 18, at 6.

<sup>62</sup> See *supra* note 43.

<sup>63</sup> *Id.*

and access to school sports as their peers. A.R.S. § 15-120.02 is an enormous step in the wrong direction.

## CONCLUSION

Transgender women and girls simply want the same opportunities as their peers. Even for those transgender girls who may never join a sports team, benefits flow from knowing that their schools grant them an equal opportunity under the law. By excluding transgender women and girls from participation in sports, Arizona's law demeans and legitimizes prejudice against them, which is particularly harmful to transgender youth.

For the foregoing reasons, The Trevor Project respectfully requests that this Court affirm the district court's decision enjoining the enforcement of A.R.S. § 15-120.02.

Dated: October 13, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 13, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

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*/s/ Abbey Hudson*

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**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**FORM 8.**

**CERTIFICATE OF COMPLIANCE**

**9th Cir. Case Number** No. 23-016026 / No. 23-160130

I am the attorney for Amicus Curiae The Trevor Project.

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Dated: October 13, 2023

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