

Episode 6 Transcript: For the Kids

Kirsten Jones: And it's the irony is I go to any city in America, whether it's Dallas or Boston or Buffalo or LA or Missoula, Montana, everybody says the same thing. I don't know about where you are, but here parents are crazy. And so it is, it's completely pervaded. It's a 20 billion with a B dollar industry, larger than the NFL, of youth sports.

Sara Gras: I'm Sara Gras and this is Season 1 of Hearsay from the Sidelines, a show about the place where law, sports and culture intersect brought to you by Culture in Sports and Seton Hall Law School's Gaming, Hospitality, Entertainment and Sports Law program. This is Episode 6: For the Kids.

One of the big questions that motivated me to explore the firestorm around the issue of trans kids and athletics was why it was so easy for people who had resisted trans exclusion from workplaces and restrooms to accept trans exclusion in sport. While I certainly agree that part of the reason is that the gender binary was baked into athletics from the beginning, I felt like there had to be something more – a reason why parents, parents who I probably sat next to at Back to School Night and who invited my children to birthday parties, could rationalize robbing trans kids from a major part of their primary school experience. This wasn't about ideology or politics – it was personal. The supporters of exclusionary legislation have shrewdly put something on the line in this debate that virtually all parents prioritize above everything else – the futures of their children. By framing interscholastic athletics as a winner takes all scenario where a cis girl's chances of winning drop to zero if a trans girl is allowed to play, any parent who supports trans exclusion can justify it, both to themselves and others, as safeguarding the opportunities of cisgender students.

And given the increasingly competitive culture of child-rearing, this is generally a socially acceptable point of view. While I can't speak for every parent, all the parents I know agree – childhood has changed. As Prof. Hilary Levey Freidman says in her book, *Playing to Win*, “parents worry that if their children do not participate in childhood tournaments they will fall behind in the tournament of life. While it's not clear if the parents are correct, what matters is that they believe that they are and act accordingly.”¹ Here's Kurt Weaver, Executive Director of the [You Can Play Project](#) with his observations on how the increased focus on competition and achievement has affected youth sports culture:

Kurt Weaver: What was not pie has become pie and I think this is in our current context where we talk about the limitation of pie and there's only so much pie to go around. What was not limited was youth sport participation. It was there for anyone who wants to show up. We're going to make as many teams we can. If we have a hundred kids, we divide them into this many teams they play. If we have 10, we divide them into this many teams we play. That's what youth sports at its core was. With the advent of money, elitism, and the college scholarship, frankly, and pro sports. And then of course, bringing those down as hard and fast as we can into youth levels, travel teams, expensive trips, showcase games, things like this. All of these things have been layered in by adults, not by kids who say, hey, you know what I wanna do? Instead of playing with my friends in my, parked on the street, I wanna play with kids across

¹ HILARY LEVEY FRIEDMAN, *PLAYING TO WIN: RAISING CHILDREN IN A COMPETITIVE CULTURE* 8 (2013).

town and travel out of state. That's what I wanna do. Said no kid ever. This is an adult's invention into these kind of things.

The reason we participate in sport is our fun side of it. Now, is there a transition time where it does become competitive and elite? Yes, and the long-term athlete development model has researched this to the ends of the earth, and it's amazing to see when kids make that brain transition and when they wanna do that. It is wildly after it happens in reality with our funneling down of elite sport teams, travel teams, and money within sports. And so I think that's what's been really rough for us working in sport participation, trying to get more sport.

So when I was with USA Rugby, we wanted as many kids as possible in there. And of course the funneling down in travel teams prevent that from happening. Because if I don't make the elite team, why do it? Becomes the question mark. And of course, I don't blame a kid who sees what's happening in front of them and says, I'm not on that team, so I must not be any good. No longer do I do this. And I think that's where from the Aspen Institute is the one that does amazing research on this. Between nine and 14 years old, almost every kid leaves sport that was participating in sport except those who are gonna make the high school team and on their way to college, on their way to pro. There's very little recreational sport after the age of 14. There's very little sport that encourages mass participation and not elite performance. And I think that's where we're really doing a disservice to our society overall. I mean, we see it in health outcomes and issues that we're having. We see it in the lack of engagement within sport past that 14 year old age group. And so I think it's a challenge that we have to fight against right now. And I...it's disappointing in that every time we meet with a group of individuals talking about this, they say, well, the kids wanted to, and it's like, I'm sorry, but we, we're gonna have to change that context, the parents or the administrators, or the coach that's trying to get a paycheck. And like I said, I understand what it is, they're building a structure and a business around youth sports to make it what they want it to be, not necessarily what we want for the kids outcomes. So listen, that's capitalism. It's the nature of a lot of things that go that way.

I don't mean to sit here and scream at the wind. But I think this is where when we look at youth sports and what it was meant to be and still is hopefully meant to be, it's moving further from that every day. Which is why I also understand a parent when they say a, you know, trans athlete woman who's running against my daughter in track or swimming or whatever else it might be is taking a spot of a college scholarship. I understand that thought process because they've been trained since they got involved in swimming that first day in first grade that that's the path and that's it. Instead of, my daughter learned an immense amount of belonging, leadership, character, integrity, all the things that sports bring, a lifetime of fitness and health, all the benefit gets washed out to the one thing that we're gonna focus on, which is the dollars and cents at the end of the day. And again, when in reality, there are not scholarships being stolen by trans women. That's simply not the reality of what it is.

There are not individuals putting on a wig and running in women's competitions or participating in women's competitions. That is not happening. But if you watch the evening news on certain networks, you will absolutely believe that is what's happening.

Sara Gras: Kurt says a lot of really important things here, but one that I think is incredibly insightful is his identification of something I believe underlies this tacit acceptance of trans exclusion – which is parental concern about return on investment in youth sports and the fear that this investment would amount to nothing if trans athletes, specifically trans girls, are allowed to compete with cis girls.

Money comes up a lot in this conversation about youth sports, which, for those without kids, may be a surprise. You might think scholastic sports, since they are part of the education system, are publicly funded unless a kid goes to private school. But school sports don't generally start until middle school at the earliest, and many sports aren't available until high school. In the meantime, kids with the financial means are playing on private teams – and may continue to do so even after they get to high school, particularly if they want to be competitive in their sport and want to play year-round.

This is a big investment. The Aspen Institute's 2022 State of Play survey found the average spending on a child's primary sport was \$833/year per child.² While this may not sound like a huge amount, this is an average. The survey found families with more disposable income are actually spending far more – over \$2000/year for families with household incomes above \$150,000.³ And it's not just an investment of money – it's an investment of time and energy spent taking kids to and from tryouts, practices, games, and tournaments. Consider what goes into having a kid on a travel team, teams that go out of town and even out of state to play. Perceived as more prestigious than local community teams, these teams have intense tryouts for kids as young as eight and require that parents travel with their kids for competition.⁴ The average time spent playing sports per week by youth ages 6-18 was 16.6 hours in September of 2022.⁵ Almost half of this was organized practice and more than 3 and half hours was competition. It's safe to assume many parents share a significant portion of that 16.6 hours – compounded if they have multiple kids. And when you invest this much into something, you will probably start to care about it, even if that wasn't the plan going into it.

Performance coach and author, Kirsten Jones, has been all over the country talking to parents and noted that this is not a phenomenon isolated in a particular region or type of community.

Kirsten Jones: It's time, it's all of your resources, and it's an emotional investment for the parents. I was just with, actually my son's getting ready to go to college, and I was talking to a mom about the book, and she said, when my son stopped playing baseball, I was in pain because those were all my friends. And again, it starts so young that there also becomes, instead of America going to church, that becomes your church. That becomes your community. Those become your people. So that's how you identify yourself. We're the dragons. We're the, that's how we become, to know ourselves and identify ourselves. And it's the irony is I go to any city in America, whether it's Dallas or Boston or Buffalo or LA or Missoula, Montana, everybody says the same thing. I don't know about where you are, but here parents are crazy. And so it is, it's completely pervaded. It's a 20 billion with a B dollar industry, larger than the NFL, of youth sports.

Sara Gras: Parents ARE crazy when it comes to sports. And evidence of HOW crazy they are can be seen everywhere, starting with the badly behaved parents of student athletes. The media has fed us extreme examples over the years, like the case of Thomas Junta, who was found guilty of involuntary

² Aspen Inst., *State of Play 2022: Costs to Play Trends*, PROJECT PLAY, <https://projectplay.org/state-of-play-2022/costs-to-play-trends> (last visited Dec. 7, 2023).

³ *Id.*

⁴ N. Jeremi Duru, *It's Not Child's Play: A Regulatory Approach to Reforming American Youth Sports*, 20 VA. SPORTS ENT. L. J. 25, 29 (2021).

⁵ Aspen Inst., *State of Play 2022: Participation Trends*, PROJECT PLAY, <https://projectplay.org/state-of-play-2022/participation-trends> (last visited Dec. 7, 2023).

manslaughter after a fight during a practice hockey game left another father, Michael Costin, dead.⁶ There's also Julie Bowlin, the mother who made false accusations of bullying, harassment, manipulation, and inappropriate touching against a coach who would not guarantee her daughter varsity playing time, which cost him his job and nearly his career.⁷ But there is also widespread poor sportsmanship amongst parents. Liberty Mutual Insurance company conducted a national survey in 2014 and found 60% of respondents reported witnessing or participating in negative or abusive sideline behavior. 55% of coaches reported parents yelling negatively at officials or their own kids.⁸ According to the National Federation of State High School Associations, poor behavior by adults was identified as the primary reason for the loss of around 50,000 high school referees over a three-year period from 2018 and 2021.⁹ There have been many solutions proposed over the years to address this type of conduct, ranging from required classes for parents on appropriate behavior to state legislation increasing penalties for physical attacks at youth sporting events.¹⁰ New Jersey Assemblywoman, Vicky Flynn, proposed legislation in the 2022-23 session that would upgrade aggravated assault at youth sporting events to a third-degree assault which carries a possible prison sentence of 5-10 years and fines up to \$15,000, a penalty that clearly illustrates the seriousness of the problem.¹¹

While this is troubling enough, there are also the parents who have taken their fights off the field – to the courts. Years before the *Soule* case in Connecticut challenging the athletic association's participation rules on transgender participation, parents were turning to the courts to adjudicate their grievances about playing time or disciplinary actions by coaches.¹² Three different cases involving high school athletes and disgruntled parents caught the public's attention around 2015. The first, *Mears v. Bd. of Ed.*, was filed in 2013 in a New Jersey federal court by the father of a high school track athlete.¹³ According to the complaint, the 10th grader was terminated from the track team after a prolonged period of disagreement with the coach about which events he should run.¹⁴ This, he claimed, was a violation of his son's First, Fifth, and Fourteenth Amendment rights, as well as Title IX.¹⁵ Defendants, which included the Board of Education, moved for summary judgment which the court granted in 2014.

⁶ Fox Butterfield, *Man Convicted in Fatal Beating in Dispute at Son's Hockey Game*, N.Y. TIMES A1 (Jan. 12, 2022), <https://www.nytimes.com/2022/01/12/us/man-convicted-in-fatal-beating-in-dispute-at-son-s-hockey-game.html>.

⁷ Sophie Kaufman, *Years-long Defamation Case Settled in Landmark Decision for Youth Sports*, SWIM SWAM (July 25, 2022), <https://swimswam.com/years-long-defamation-case-settled-in-landmark-decision-for-youth-sports/>.

⁸ *New Survey Identifies Decline of Sportsmanship in Youth Sports According to Parents and Coaches*, LIBERTY MUT. INS. (June 2, 2014), <https://www.libertymutualgroup.com/about-lm/news/articles/new-survey-identifies-decline-sportsmanship-youth-sports-according-parents-and-coaches>.

⁹ Elizabeth Heubeck, *Parents' Bad Behavior at School Sports Events Has Gotten Extreme*, EDUC. WEEK (Feb. 3, 2023), <https://www.edweek.org/leadership/parents-bad-behavior-at-school-sports-events-has-gotten-extreme/2023/02>.

¹⁰ Dianna K. Fiore, *Parental Rage and Violence in Youth Sports: How Can We Prevent "Soccer Moms" and "Hockey Dads" From Interfering in Youth Sports and Causing Games to End in Fistfights Rather than Handshakes?*, 10 VILL. SPORTS & ENT. L. J. 103, 124-25 (2003).

¹¹ Margo Riser, *Flynn's Push to Make Youth Sports Safer for Officials and Players Clears First Legislative Hurdle*, N.J. ASSEMBLY REPUBLICANS (Jan. 19, 2023), <https://www.njassemblygop.com/flynn-push-to-make-youth-sports-safer-for-officials-and-players-clears-first-legislative-hurdle/>.

¹² Justin Jouvenal, *To Get Their Kids on the Court, Some Parents Turning to the Courtroom*, JACKSONVILLE.COM (Apr. 3, 2015, 7:48 PM), <https://www.jacksonville.com/story/news/reason/2015/04/03/get-their-kids-court-some-parents-turning-courtroom/15657478007/>.

¹³ *Mears v. Bd. of Educ.*, No. 13-3154 (NLH-JS), 2014 WL 1309948 (D. N.J. Mar. 31, 2014).

¹⁴ Complaint, *Mears v. Bd. of Educ.*, No. 13-3154 (NLH-JS) (D. N.J. May 17, 2013).

¹⁵ *Id.* at 2.

The second case, also filed in federal court but this time in Texas, was filed by a father who alleged that a private lacrosse academy was operating a pay-for-play scheme with high school coaches in violation of federal RICO statutes.¹⁶ Of course, his unwillingness to involve himself in this program led to retaliation against his son, a high school lacrosse player, who was not awarded a varsity letter.¹⁷ Defendant's motion to dismiss was also granted in this case. Finally, there was the case of Audrey Dimitrew, the high school volleyball player in Virginia who sued her club volleyball league when she was benched, then denied a transfer to a team who promised her more playing time.¹⁸ The court declined to issue an injunction allowing Audrey to play with a new team.¹⁹

In part because these suits were not particularly successful, we didn't see a flood of copycat legal challenges. But as former *Forbes* contributor, Bob Cook, wrote in 2014, "the lawsuits express the frustration of parents who have invested plenty of time and money in a sport, and are jarred when their child gets to a level where it becomes apparent that investment is not going to pay off as expected."²⁰

I asked Kirsten why she thinks so many parents invest this level of money and energy in their children's amateur athletic careers.

Kirsten Jones: I think we all wish for our kids to carry the torch to another level, maybe that we couldn't have achieved. The athletes, the parents that I meet that were pro athletes or played at collegiate level, I find are the ones that lean back the furthest. And by that I mean, Steve Kerr, Golden State Warriors coach, his middle child signed him up for soccer, middle of the game, he's laying there on his back picking daisies. He goes out to his son and says, What do you think buddy? You wanna go get some ice cream? And his son's like, yeah. He's like, I guess soccer isn't for you. And he goes, when he talks, he's like, I know what it takes to play. I am not about to force my kid, if that is not his thing. Yet there are some parents who don't know. And again, I don't think it's out of ill will. It's wow, this could be an option and he shows early interest. And I wonder, and this is completely anecdotal, but you have this cottage business industry - coaches, private coaches that have come up, right? So you're paying, I'm paying you \$150 an hour to tell me my six-year-old is a prodigy in soccer. I hear that as a parent, then I'm all in, right? Oh, he's got such great ball handling skills.

Now I'm thinking, so how much of it is misguided, even to begin with, because the coaches need to pay their bills, and the more kids they have sign up for their private sessions, or for their team, the better off they are. So what downside is it for them to take more players and tell everybody they're great? And then the parents buy into that. And again, they don't know because they never played. So I don't, again, I don't think it's kind of like if you signed up for chess and somebody said, oh, wow, your kid's really good at this, you would be, oh, that's amazing. I'm all in. In fact, I have a story in the book about a dad I met when my oldest was in third grade and at the basketball game and all the parents were like on the sidelines like, you know, cheering and standing up and following the night. You know, the ball, wherever

¹⁶ Complaint, *Munck v. Dallas Lacrosse Acad.*, No. 4:14-cv-173 (E.D. Tex. Mar. 25, 2014).

¹⁷ *Id.* at 30-31.

¹⁸ Justin Jouvenal, *Teen Volleyball Player Takes Her Dispute to Another Kind of Court*, WASH. POST (Mar. 31, 2015, 8:08 PM), https://www.washingtonpost.com/local/crime/teen-volleyball-player-takes-her-dispute-to-another-kind-of-court/2015/03/31/e72fb174-c8f0-11e4-b2a1-bed1aaea2816_story.html.

¹⁹ *Id.*

²⁰ Bob Cook, *The Roots of a Lacrosse Parent's Infamous Lawsuit Over His Son's Playing Time*, FORBES (2014), <https://www.forbes.com/sites/bobcook/2014/04/09/the-roots-of-a-lacrosse-parents-infamous-lawsuit-over-his-sons-playing-time/?sh=3e6f502d6998> (last visited Dec. 4, 2023).

the ball was, the whole 10 boys were following the court and this one dad like leaning back as far as he could in the stands. And finally I said to him, so this must not be your first basketball game. He said, this is my fifth child. But I said, aha. And what have you learned?

And he said later, he told me the story that his oldest son was a great golfer. He said, I love to golf. We would go to the driving range. Timmy just took off. He was hitting balls and he was doing really well. And he started taking lessons. He goes, I had no master plan. I was not like, oh, I'm raising a golfer. But he showed interest. It's something I liked. Then we started, you know, we got to seven or eight. We started doing the junior tour. The next thing I know, my wife and I and the four other kids are going to all these events wherever the events are. He loved it. He's like, he loved it the whole way. We loved it. You know, it was a great thing until it wasn't. When Stanford came calling and he had a full ride offer to Stanford. And he said, I like a month or two before he's supposed to go to Stanford to fulfill the dream that we've all had since he was five. And he comes to my wife and I and he says, I'm done. And we said, excuse me? He said, I'm not going to Stanford and I'm not playing golf. And again, so I don't think it's not all, you know, the story in the book of Todd Marinovich and there's some dads and Andre Agassi's dad and there's some parents, Steffi Graf's dad, where it's like they set out, you know, the Serena Williams sisters, right? They set out with a plan. I don't think most people do that. But what happens when you get caught up in the, you know, like, wow, this is really exciting and he's good and he seems to like it. You know, are you prepared when he pivots and not knowing when that will come?

Sara Gras: As Kirsten highlights, parental investment into youth sports can be substantial, but not necessarily calculated. Yet someone still benefits when parents get carried away with excitement and promise of future opportunity – and it's not the kids or the schools. There is an entire industry that exists in this unregulated space of youth activities that has a great deal to gain from perpetuating a culture of competition.²¹ Prof Friedman examined the enterprises that rely financially on what she called "Competitive Kid Capital" in her book, *Playing to Win*.²² Her study focused on a range of extracurricular activities including dance, chess, and soccer. But ultimately, she found, the organizing principles and reward structures were largely the same, characterized by an over-emphasis on performance and evaluation.²³ I talked to sports law professor Bob Boland about who he sees as the biggest financial beneficiaries of K-12 sports and he confirmed that it's largely these 3rd parties who profit rather than the athletes and institutions.

Bob Boland: We see athletics really existing in a variety of levels from recreational participation to collegiate participation as an aim to pro sports. They're a huge business nationally. I trace college sports just sort of top of my head. College sports would be slightly smaller than the NFL in overall spend and earn as the largest or most valuable US sports entity. Now that's a thousand institutions, but it's about 19 billion dollars annually that we're talking about is spent or is earned in the college space. So it's a remarkably big business when we think about it and high school and club sports are also now very big businesses that we think about it. So it's hard to separate all those. In high school athletics, most of the earnings come from third party stakeholders. They're either going to be potentially coaches, facility operators, training centers. It's not as direct that they earn a lot of money in ticket sales or media rights. It's increasing, though, as we see it. Here, as we both are sitting in New Jersey today, New Jersey's high

²¹ *Supra* note 1 at 158.

²² *Id.* at 153-179.

²³ *Id.*

school federations have a broadcast contract for high school football and all the schools in New Jersey are participating in that, sharing any revenue from it. But most places, high school sports operates either as a liability for opportunity for its students or as at best a break-even proposition.

Sara Gras: But what about the scholarships that Kirsten mentions? Isn't this the parental payoff for all those years spent watching games in the rain and traveling out of state every weekend? And if trans girls are outperforming cis girls and taking their spots on college teams, won't this investment be lost? While this is the popular narrative, this is hardly the reality. As I addressed in Episode 5, college recruiting isn't just about who is best – it's a lot more nuanced than that. And most college athletic scholarships are only partial scholarships that cover a fraction of the total cost of a college education. The average Division I scholarship was about \$18,000 a year in 2020. In Division II, it was about \$6500 for men and \$8000 for women.²⁴ And Ivy League schools, which are among some of the most expensive schools in the country, do not give athletic scholarships, as Val Moyer points out. Both the recruiting and financial aspects of college athletics are much more complex than the media makes them out to be:

Val Moyer: Again focusing on the idea that trans girls are quote-unquote taking scholarships or taking spots away from cisgender girls kind of misunderstands how college recruiting works in general. It's sort of like if you're at this really high level of sports, which is, you know, the top, I think, 10 to five to 10% of high school athletes go on to compete in college. So it's sort of like, if you're there and you're reaching out to coaches at the schools you wanna go to, which should be a conversation, not just about sports, right? But, you know, do you wanna go to that school at all? And so it's a two-way thing where high school athletes are talking to coaches, they're looking at other financial things, like outside of just sport performance. Coaches will look at your FAFSA and things like that. So for example, Leah Thomas is a swimmer at Penn State - that's an Ivy League school where they don't give out sports scholarships. So whether she's on an academic scholarship, that's, you know, really more of a sports scholarship. We don't know, but, that's been misrepresented in news outlets as, as her taking, college scholarships. So a lot of kind of misinformation swirling around the high school to college athletics, move, but also just the idea that youth sports and high school sports in particular are this, you know, big funnel and way to get a scholarship and access to college, which I don't think should be the case. And college should be affordable, you know, regardless of whether you have an athletic scholarship, but that's a different issue altogether.

Sara Gras: It's worth noting that, in addition to not necessarily paying off in the way some parents would hope, excessive pressure to perform in athletics at an early age is causing young athletes real harm, beyond just being embarrassed by their parents on the sidelines. Studies are finding significant emotional and physical effects on adolescent athletes, sometimes with long-term consequences. The American Academy of Pediatrics released a clinical report in 2007 to address the "medical, psychological, and developmental concerns of intensive, focused athletic participation," by young athletes, which included overuse injuries like spondylolysis, a stress fracture of the spine, overtraining, and burnout.²⁵ The report, which was reaffirmed by the AAP in 2014, suggested that clinicians advise athletes to take 1-2 days off of training each week, and 2-3 months off of their sport each year while

²⁴ *Supra* note 4 at 32-33.

²⁵ JS Brenner, *Overuse Injuries, Overtraining, And Burnout in Child and Adolescent Athletes*, 119(6) PEDIATRICS 1242 (2007), DOI: 10.1542/peds.2007-0887.

competing in only one sport at a time.²⁶ Over the years, the AAP has expanded their recommendations about early specialization. They warn that, "Athletes may become socially isolated from their peers and may have altered relationships with family, overdependence on others with a loss of control over their lives, arrested behavioral development, or socially maladaptive behaviors." Studies found that sports injuries in children could damage growth mechanisms, potentially leading to lifelong issues.²⁷ Orthopedists are seeing overuse injuries in adolescents that had previously only been seen in professional athletes, conditions that require surgery to repair.²⁸ Incidents of kids being returned to the field with concussions, sometimes with fatal consequences, has led to the passage of state laws regarding concussions and return-to-play, many requiring students be cleared by a qualified medical professional before being allowed to resume participation.²⁹

It is difficult to place responsibility for these harms on a particular group of people involved in youth sports, but scholars have noted that parents, coaches, and schools all play a role.³⁰ Some have suggested that perhaps the state should better regulate youth sports in the interest of protecting children from the significant harms caused by early and intense specialization.³¹

I'm walking away from this episode, and honestly, this entire season, with the feeling that parents, coaches, educators, and everyone involved in athletics for children and adolescents need to take a step back. Sure, high school sports are important – but not because they might lead to a scholarship. As Kirsten emphasizes throughout her book, *Raising Empowered Athletes*, participation in athletics is about raising "a kid that's gonna go through this experience and take all of the good and probably mostly the bad and use it to grow and become and evolve into who they're meant to be, whether it's on the pitch or in the pool or not." Ultimately, only the tiniest fraction of youth athletes have the potential to make ANY money from their sports, either as professionals or perhaps as very successful college athletes. Middle school and high school sports are NOT elite, no matter how high the level of play. And I would remind everyone who is concerned about their high schooler competing against a trans athlete that these athletes are not bionic super-humans – they are also kids. They are experiencing all the same no-longer-a-child, but not-quite-an-adult struggles as every other teenager - but complicated and compounded by a society that is still very often unkind and unfair to trans people.

Kurt Weaver (he/him): Trans athletes have the same challenges as any youth athlete right now which are substantial. And then of course they have the additional layer of being a trans individual within that sport with some assumptions made about them the first day they show up. So again, right or wrong assumptions being made, those assumptions are levied upon every child that's participating from trans and non-binary perspective. And most of them are just, they're frankly wrong. And then as well, I see the individual situation, could it be the Olympic weightlifter or the NCAA swimmer, or I see that on the news and I immediately level that upon the third grader in front of me, which is unfair for any young

²⁶ *Id.* at 1245.

²⁷ Phoebe Friesen et al., *Overuse Injuries in Youth Sports: Legal and Social Responsibility*, 28 J. LEGAL ASPECTS SPORTS 151, 151-52 (2018), DOI: <https://doi.org/10.18060/22569>.

²⁸ *Supra* note 4 at 35-36.

²⁹ NETWORK FOR PUB. HEALTH, TRAUMATIC BRAIN INJURY IN YOUTH SPORTS FACT SHEET: SUMMARY MATRIX OF STATE LAWS ADDRESSING CONCUSSIONS IN YOUTH SPORTS (2018), available at: <https://www.networkforphl.org/wp-content/uploads/2019/11/Summary-of-State-Laws-Addressing-Concussions-in-Youth-Sports-5-28-19.pdf>.

³⁰ *Supra* note 27 at 153-61.

³¹ *Id.* at 155-56.

person to have any of that leveled upon them. So as I see youth soccer players out there, I am not going to say, why are you not as good as Messi? Why are you not out there doing what that person's doing anyway? So I think it's a tough thing to have reconciled within youth sport and elite sport in an overall structure. And it's why we separate out. And I think, like you said, you've talked to some other individuals - we very much work to separate out what is elite sport with participation in community sport because they have two different purposes. They have two different outcomes we're going after.

But on the community level of sport, when a young person shows up, they're nervous about is the team gonna like me, are my friends in the team? Am I gonna know how to play this sport? Am I gonna know what to do? I already didn't get my homework done, so I'm already having a challenge to then be able to be out here on the field. Leveying then upon that additionally is, am I going to be made fun of or ostracized or demonized not just by the young athletes that I'm playing with, but the parents of those athletes or potentially the coaches or the other team. That's the additional layer those athletes start to deal with, which is for something I cannot change, for something I cannot wipe off or work harder to fix, I am now going to be made to feel lesser than on my team, which if anybody does anything and you know, if I'm sick the day before and I try to do something, I'm not as good at that thing that day. If I'm feeling great the day before, I feel great in that thing. I'm going to thrive in it.

And it's why Olympic athletes work with sports psychologists to then make sure they're feeling the best they can to perform the best they can. Mental health and feeling belonging is part of that. And I think that's where young trans athletes, again, in many cases, we're hearing positive impacts to where leagues are welcoming athletes in. And it's the, you know, you're welcome on this field. We want you here. And we're going to make sure that we that all people in our league, our administration know that as well. So those are great things to be able to hear. But again, for that many that we're hearing anecdotally on that side, there's an equal if not more amount of individuals. They're saying, you know, it's maybe an errant parent comment that happens. So maybe the team welcomed that athlete to the, to the soccer team or the basketball team and they're welcoming their split participating in playing. And all of a sudden then it all goes south. Once a parent and sideline makes some comment. And I think that's where we find that those athletes, again, it's hard enough to show up, do an activity, thrive in that activity and get good at it, make friends and find belonging and then be made to feel lesser than because of who you are. And that's again, that's going to go across a bunch of different demographics, but specifically right now, of course, because of our political nature, um, trans individuals, non-binary individuals are feeling the weight of that unduly.

Sara Gras: Parental overinvestment and overinvolvement in children's scholastic and extracurricular achievements is a problem that springs from very soil than anti-trans bias, but it doesn't mean there's no relationship between the two. I suspect that many of the parents objecting to trans athlete inclusion don't think they are discriminating or violating the civil rights of trans kids. They are simply hyperfocused on achieving the best outcomes for their children and children they identify as being LIKE their children. But by othering trans kids, that is, thinking about them only in terms of how they may negatively impact the opportunities of cis kids, they are contributing to the more insidious efforts to dehumanize trans people.

On the next episode which will air at the beginning of January, I'll take a look at the groups who are fighting to exclude trans kids from interscholastic sports. What are their talking points, their politics, their larger objectives? And I'll also highlight the advocacy organizations working to preserve and

protect trans youth in sports, and the challenges they face. As a year spent planning, researching, writing, and recording this podcast comes to a close, I just want to express my gratitude to the many contributors to this show – my guests and my colleagues – and to you. Thanks for listening.

Hearsay from the Sidelines is a collaboration of [Seton Hall Law School](#) and [Culture in Sports](#); All research and writing by Sara Gras; music by [SuperKnova](#); produced by Sara Gras and Dr. Jeremy Piasecki, Executive Director of Culture in Sports. Links to all available academic and primary legal sources, media, music, transcription, and other materials mentioned in this episode are available on the Hearsay from the Sidelines show page, hearsayfromthesidelines.com. And if you like this show, check out cultureinsports.com where you'll find more articles, shows, webinars, summits, and courses for sports leaders of all levels.