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Fwd: High School League Admits: No Legal Mandate!

1 message

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High School League Admits: No Legal Mandate

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November 21, 2014

Dear [Name],

The Child Protection League Action recently sent letters to all the Athletic Directors of the Minnesota State High School League (MSHSL) member schools informing them of the pending December 4th transgender policy that will require them to allow transgender students the right to choose to participate on the team contrary to their biological gender.

Please read our [Action Alert](#) for more about what you can do and how important it is for you to act now!

Like so many others, Athletic Directors have been provided only one-sided information about the pending action. We also informed the Athletic Directors about what to expect:

*At the October 2nd MSHSL Board meeting, one member of the Board made the comment that **if a school does not like the new transgender policy, that school may forfeit the game...***

Most citizens, tax-payers, and parents in Minnesota strongly oppose students

being forced to adopt the absurd concept of gender being based on feelings, rather than on biology and allowing their children to be placed in compromising private situations that violate all standards of privacy and decency.

We gave Athletic Directors information about the serious concern of many experts that treating all sexual leanings in children as “normal” can be harmful, since studies indicate that 70%-80% of children with transgender feelings spontaneously lose those feelings by the time they are adults.

The reaction from MSHSL Executive Director David Stead to our letter, we are sorry to report, was appalling. His admission that state and federal laws, rules, and regulations do not require this transgender policy was certainly a welcome change. But he omitted the fact that each of the five MSHSL Draft Policies use language strongly suggesting a legal mandate, a not-so-veiled threat intended to bully Board members and the public into compliance.

Even the current 5th Draft states: “*This policy shall be construed and interpreted in accordance with applicable federal and state laws, rules and regulations.*” Slippery language, but clearly designed to give the impression that a legal mandate hangs over their necks. **The truth is that there is no state or federal law that requires or even makes provision for the MSHSL policy, and, until this week, Mr. Stead has been unwilling to admit it.**

Now that we all agree that no law requires this policy, what, then, is its purpose? Who specifically is asking for it?

In another misleading statement, Mr. Stead attempts to pass this policy off as local control:

Schools have always been the first point of contact for eligibility decisions...Those Bylaws cannot be changed by the Board of Directors... The Board develops policies to provide guidance, interpretation, support and counsel for member schools.

The fact is, according to the MSHSL Bylaws, schools only verify eligibility. They do not define eligibility. The Board, by passing its transgender policy, removes any discretion for schools to rule that transgender students are not eligible in their

schools to play on teams of their opposite biological gender. Schools are burdened with the impossible task of determining if transgender students' feelings are "sincerely held." The transgender student retains the right of appeal, and all of the supporting documentation remains entirely confidential. This policy is the ultimate attack on local control of schools.

Further, the non-invasive, innocuous words "guidance, interpretation, support, and counsel" intentionally misrepresent the fact that schools will have no choice in defining transgender eligibility. They will receive MSHSL guidance only in how to comply.

With respect to bathroom, shower, and locker room accommodations, Mr. Stead brushes off those concerns as "nothing new," since some schools already do that. The MSHSL, he says, will provide guidance in those matters, if asked. He noticeably does not deny that schools will be dealing with transgender males in girls' showers!

Mr. Stead also does not deny that schools that do not comply with MSHSL eligibility rules will be required to forfeit the game. He only refers to current Bylaws that enforce eligibility rules, as if none of this is new. True, eligibility bylaws are already in place, but transgender eligibility is radically new.

We would hope that the debate on this serious a matter affecting so many Minnesota children,\ would be conducted in a more forthright, honest manner.

We will continue to use every avenue to notify the public about this pending policy. But we rely on you to spread the word and to take action. Also, would you give a donation, so that we can get the word out and stop this policy?

Thank you for your commitment to protecting all student athletes!

Michele Lentz
CPLAction State Coordinator



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