



G.G. v. Gloucester County School Board, 2018 U.S. Dist. LEXIS 88638 (E.D. Va. 2018)

Topics Covered: Lesbian Gay Bisexual Transgender and Queer (LGBTQ) Rights

Issue

The issue in this case is whether a public high school should be required to allow transgender students to use the boys' bathroom, rather than a unisex bathroom.

AMA Interest

The AMA opposes policies preventing transgender individuals from accessing basic human services and public facilities in line with their gender identity, including, but not limited to, the use of restrooms.

Case Summary

Until his recent graduation, Gavin Grimm attended Gloucester High School, in Gloucester County, Virginia. Although he had been born anatomically female, he experienced gender dysphoria and identified as male. He underwent hormone therapy and legally changed his name to Gavin, a more traditionally male name.

Before his sophomore year, Gavin and his mother, Deirdre Grimm, informed school officials that Gavin was a transgender boy. Upon coming out, he used the boys' restroom. The high school then constructed three single-stall unisex restrooms, which were to be available to all students. Following extensive public debate, the School Board resolved that the high school should provide male and female restrooms, "the use of [which] shall be limited to the corresponding biological genders, and students with gender identity issues shall be provided an alternative appropriate private facility."

Notwithstanding the unisex restrooms, Gavin insisted he be allowed to use the boys' restroom. He said he could not use the girls' restroom, because the girls perceived him as a boy and reacted negatively to him. Moreover, use of the girls' restroom would be inconsistent with his gender dysphoria and would distress him. He further objected to the use of the separate restrooms, as this would make him feel stigmatized and excluded. He avoided use of any restrooms while at school and as a result developed urinary tract infections.

Gavin, through his mother and with the assistance of the American Civil Liberties Union, sued the School Board for violation of Title IX of the Education Amendments Act of 1972, 20 U.S.C. § 1681(a), and an implementing regulation, 34 CFR § 106.33. The trial court held against Gavin, but, on appeal, the Fourth Circuit reversed. The case was then appealed to the United States Supreme Court. Initially, the Supreme Court accepted jurisdiction, but it then remanded, without a substantive decision, to the Fourth Circuit.

Since Gavin graduated from high school while the suit was pending, the Fourth Circuit remanded to the trial court to consider whether the case is moot.

On May 22, 2018, the district court, after determining that Gavin's high school graduation did not moot his case, found that Title IX and its implementing regulation allow transgender students, such as Gavin, to use the high school restroom consistent with their gender identities. It further found that Gavin had pleaded a valid claim for equal protection under the Fourteenth Amendment. The court denied the School Board's motion to dismiss the complaint and ordered the parties to appear before it for a settlement conference.

AMA Involvement

The AMA, along with several specialty medical societies, filed an *amicus* brief in the Fourth Circuit remand to support Gavin. The brief pointed out the health consequences that transgender people can feel from social stigma.

United States Court of Appeals for the Fourth Circuit brief