



Federal court rejects Title IX restroom access claim of transgender student

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In one of the first federal court rulings on a hotly debated issue, a district court in Virginia has dismissed a transgender student's claim under Title IX seeking access to the school restroom of his identified gender. Although the court agreed to continue its consideration of the student's claim under the Equal Protection Clause of the Fourteenth Amendment, it declined to grant a preliminary injunction while the case is pending. *G.G. v. Gloucester County School Board*, Case No. 4:15cv54 (E.D. Va., September 17, 2015) (Download the full opinion [here](#).)

The student in the case is a transgender student whose birth sex was female but who subsequently came to identify as male, and who by the second year of high school wished to present himself publicly in school as male. Although school administrators permitted him to use the boys' restrooms for a period of several weeks, this practice was discontinued following strongly voiced objections by a number of parents. Single-stall, unisex restrooms were installed by the district to accommodate transgender students. However, the student felt that it was stigmatizing to use a different restroom and ultimately filed suit to challenge the district's policies.

The federal district court based its dismissal of the Title IX claim on a federal regulation under Title IX which specifically states that "[a] recipient [of federal funds] may provide separate toilet, locker room, and shower facilities on the basis of sex" as long as such facilities are "comparable." [34 CFR § 106.33](#).

Readers should note that the court's interpretation of Title IX in this case is contrary to the [current position of the U.S. Department of Education](#) and its Office for Civil Rights.



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