

## Supreme Court will not hear transgender bathroom rights dispute, a win for Va. student who sued his school for discrimination

By [Robert Barnes](#)

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The Supreme Court declined to hear a legal battle over the rights of transgender students on Monday, handing a victory to Gavin Grimm over the Virginia school board that denied him the right to use the boys' restroom.

As is its custom, the court did not say why it was rejecting the appeal of the Gloucester County school district. Justices Clarence Thomas and Samuel A. Alito Jr. said they would have accepted the case.

The court's decision not to take up the case does not establish a national precedent, nor does it signal agreement with the lower court.

Legal battles involving transgender rights are being fought in lower courts, and the Supreme Court often lets such issues percolate before weighing in. A direct split among the regional appeals courts is often what prompts the justices to enter the debate.

In a 2-to-1 decision last August, the U.S. Court of Appeals for the 4th Circuit said the school board had practiced sex-based discrimination and violated the 14th Amendment by prohibiting Grimm, a transgender student, from using the bathroom that aligned with his gender identity. His high school offered a single-stall restroom as an alternative.

Judge Henry F. Floyd wrote that the 4th Circuit, which covers Virginia, Maryland, West Virginia and the Carolinas, was joining "a growing consensus of courts" finding that the Constitution and federal law protects transgender students "from school bathroom policies that prohibit them from affirming their gender."

Floyd framed the case in historical terms.

"The proudest moments of the federal judiciary have been when we affirm the burgeoning values of our bright youth, rather than preserve the prejudices of the past," Floyd wrote. "How shallow a promise of equal protection that would not protect Grimm from the fantastical fears and unfounded prejudices of his adult community. It is time to move forward."

address bathrooms, locker rooms, or anything else of the kind.

But the reasoning in the decision has been applied by lower courts affirming transgender students' access to restrooms that match their gender identity.

Grimm's lawyer Joshua Block of the ACLU said the Supreme Court's decision not to review the 4th Circuit was "an incredible victory for Gavin and transgender students around the country."

The controversy began in 2014, when Grimm was a high school sophomore and the school allowed him to use the boys' restroom.

But parent backlash prompted the school board to reverse course and require Grimm to use a restroom just for him.

"Being forced to use the nurse's room, a private bathroom, and the girl's room was humiliating for me, and having to go to out-of-the-way bathrooms severely interfered with my education," Grimm said Monday in a statement from the ACLU.

Grimm, supported by the Obama administration, sued and won at the district court and the 4th Circuit. The Supreme Court agreed at that time to take the case.

But when Donald Trump won the presidency, his administration changed the federal government's position on the issue. The justices sent Grimm's case back to lower courts in light of the change.

After the 4th Circuit's most recent decision, President Biden was elected, and that signaled another change.

Whatever happens next, Grimm's battle appears to have ended.

"I am glad that my years-long fight to have my school see me for who I am is over," Grimm said in the statement, adding, "Trans youth deserve to use the bathroom in peace without being humiliated and stigmatized by their own school boards and elected officials."

The case is *Gloucester County v. Grimm*.

*Ann E. Marimow contributed to this report.*

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