

Supreme Court Agrees to Stay Transgender Bathroom Order

With the Supreme Court out of session and still down one justice, it seemed unlikely the high court would take any action on a Virginia school district's request to stay a lower court's order regarding a transgender student.

The justices split 5-3 on the request, which lifts—until the court can issue its own opinion on the case—the Gloucester County School District's obligation to allow “Gavin” Grimm to use opposite-sex bathrooms, locker rooms, and showers. “Gavin” is a biological girl who suffers from a psychological disorder in which she believes she is a boy.

Following a “joint guidance” issued by the Obama Administration's education and justice departments, a lower federal court ruled the Virginia school district had to allow Grimm to use opposite-sex facilities. After Democratic-appointed Associate Justice Stephen Breyer joined with the court's four GOP appointees to stay that order, it would seem no school district is bound to follow the Obama Administration's transgender mandate.

Breyer said he agreed to the stay as a “courtesy” and to “preserve the status quo” until the Supreme Court can hear the case next year. A ruling would be unlikely until next spring, at the earliest.