

What's Next in the Bathroom Battle?

After a three-judge panel of the Fourth District Court of Appeals issued an opinion that a girl who has a mental condition that makes her believe she is a boy must be allowed to use boys' bathroom and shower facilities, the Gloucester County School Board asked the full appeals court to rehear the case.

"Gavin" Grimm began refusing to wear girls' clothing at the age of 6. She began identifying as transgender two years ago. She was diagnosed with gender dysphoria, a mental health condition where one's gender identity does not match his or her biological sex.

The girl's parents helped her change her legal name. They have also allowed her to undergo hormone therapy that is meant to deepen her voice and give her a more masculine appearance.

But according to a court official, none of court's 15 judges asked for a vote on the rehearing. In a dissent, however, Judge Paul Niemeyer urged the school board to ask the U.S. Supreme Court to hear the case, citing the "momentous nature" of the issues in question.

"Bodily privacy is historically one of the most basic elements of human dignity and individual freedom," he wrote. "And forcing a person of one biological sex to be exposed to persons of the opposite biological sex profoundly offends this dignity and freedom."

The Obama administration had filed a brief in the case—which was viewed as an impetus for its transgender "joint directive" sent to public schools across the country—in support of the girl's "right" to use opposite-sex facilities.

“Now that the Fourth Circuit’s decision is final, I hope my school board will finally do the right thing and let me go back to using the boys’ restroom again,” the girl said in a statement after the court’s announcement. “Transgender kids should not have to sue their own school boards just for the ability to use the same restrooms as everyone else.”

However, the case may only be just getting started. Now that multiple states have sued the federal government over the administration’s transgender mandate, her case is likely to move up to the U.S. Supreme Court, as well.

The school board had several unisex bathrooms constructed, and it continues to prohibit the use of opposite-sex facilities on campus. Local TV station WTVR says the school district received dozens of complaints regarding a girl having access to boys’ facilities.