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LDF Statement on Court Ruling That Gloucester County School Board’s Bathroom Policy Unconstitutionally Discriminates Against Transgender Students

Today, the U.S. Court of Appeals for the Fourth Circuit ruled that the bathroom ban implemented by Virginia’s Gloucester County School Board discriminated against a transgender student and is unconstitutional. The case centered around a school board policy that barred Gavin Grimm, a transgender teenage student, from using the restroom that matched his gender identity.

Kevin E. Jason, Assistant Counsel at the NAACP Legal Defense and Educational Fund, Inc. (LDF), issued the following statement in response to today’s decision by the court:

“In finding both constitutional and civil rights violations in the Board’s bathroom policy, the court recognized that transgender students should be free from discrimination. This decision properly builds on recent Supreme Court guidance that gay and transgender individuals are entitled to civil rights protections. We applaud the court for providing similar protections for Gavin Grimm.

“The Board’s policy was based on discomfort and fear — justifications that troublingly resemble the debunked rationales used to support discrimination against Black individuals and interracial couples. The court correctly decided that the policy had no legitimate basis and acknowledged the stigma associated with sending Gavin Grimm to a special bathroom, which in many ways is reminiscent of the race-segregated bathrooms during Jim Crow.”

Along with Suzanne B. Goldberg of the Columbia Law School Sexuality and Gender Law Clinic, LDF submitted an amicus brief in this case in November 2019. The majority and concurring opinions cited LDF’s amicus brief multiple times in drawing parallels between the bathroom policy for transgender students and past bathroom policies segregating people by race. To read LDF’s amicus brief, click [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute (TMI) is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative

research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.

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