

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

G.G., by his next friend and mother,)
DEIRDRE GRIMM,)
)
Plaintiffs,)
) Civil No. 4:15cv54
v.)
)
GLOUCESTER COUNTY SCHOOL)
BOARD,)
)
Defendant.)
_____)

COMPLAINT

INTRODUCTION

1.

took steps to ensure that he would be treated as a boy by teachers and staff. Later in the school year, at G.G.'s request, and consistent with recognized standards of care for transgender students, school officials allowed him to use the boys' restroom. He did so without incident for approximately seven weeks.

4. On December 9, 2014, the Gloucester County School Board, responding to pressure from some parents – and other Gloucester County residents without school-age children – enacted a policy that overruled the decision of school administrators and categorically barred transgender students from using restrooms that correspond with their gender identity. The policy

Gender Dysphoria, the medical diagnosis for individuals whose gender identity – their innate sense of being male or female – differs from the sex they were assigned at birth, which causes distress.

15.

22. Mental health and medical professionals worldwide recognize and follow the evidence-based standards of care for the treatment of Gender Dysphoria developed by the World Professional Association for Transgender Health (WPATH). After diagnosing G.G. with Gender Dysphoria, his psychologist developed a course of treatment consistent with those standards. The goal of treatment is to alleviate distress by helping a person live congruently with the person's gender identity.

23. A critical component of the WPATH Standards of Care is a social transition to living full-time consistently with the individual's gender identity. Accordingly, G.G.'s psychologist recommended that he immediately begin living in accordance with his gender identity as a boy in all respects. That included using a male name and pronouns and using boys' restrooms. G.G.'s psychologist also provided him a "Treatment Documentation Letter" confirming that he was receiving treatment for Gender Dysphoria and that, as part of that treatment, he should be treated as a boy in all respects, including with respect to his use of the restroom.

24. For transgender adolescents, it is critical that the social transition involve full transition at school, including with respect to restrooms. Excluding a transgender boy from the restroom that corresponds to the student's gender identity, or forcing the student to use a separate facility from other boys, communicates to the entire school community that he should not be recognized as a boy and undermines the social transition process.

25. Based on his psychologist's recommendation, in July 2014, G.G. petitioned the Circuit Court of Gloucester County to change his legal name to G.G., and the court granted the

refer to him using male pronouns. G.G. also uses t

30. G.G. initially agreed to use a separate restroom in the nurse's office because he was unsure how other students would react to his transition.

31.

do is be a normal child and use the restroom in peace,” G.G. said. “I did not ask to be this way, and it’s one of the most difficult things anyone ca

restroom would cause severe psychological distress to G.G. and would be incompatible with his medically necessary treatment for Gender Dysphoria.

47. Since adopting the restroom policy, three unisex, single-stall restrooms have been installed at Gloucester High School. The school also raised the doors and walls around the bathroom stalls so that students cannot see into an adjoining stall. Additionally, the high school installed partitions between urinals in the boys' bathrooms. As a result, a person making normal use of the restroom cannot see the genitals of any other person.

48. G.G. refuses to use the separate single-stall restrooms they make him feel even more stigmatized and isolated than when he used the restroom in the nurse's office. Being required to use the separate restrooms sets him apart from his peers, and serves as a daily reminder that the school views him as "different." Other students do not appear to use the single-stall unisex restrooms. The entire school community knows that they were installed as restrooms for G.G., and any other transgender students, so they would not be in the same restroom as their peers.

49. Instead of using the separate restrooms, G.G. tries to avoid using the restrooms entirely while at school, and, if that is not possible, he uses the nurse's restroom. As a result of trying to

experiencing severe and long-term negative effects from being stigmatized by and isolated from their peers. The transgender restroom policy compounds that harm and imposes additional stigma on an already vulnerable group of students.

51. Randi Ettner Ph.D – a psychologist and nationally recognized expert in the treatment of Gender Dysphoria in children and adolescents – recently conducted an independent clinical assessment of G.G. and concluded that “the shame of being singled out and stigmatized in his daily life every time he needs to use the restroom is a devastating blow to G.G. and places him at extreme risk for immediate and long-term psychological harm.”

52. By contrast, allowing G.G. to use the boys’ restroom would not harm any other student at Gloucester High School in any way. There is no indication that any student was harmed during the seven weeks that G.G. used the boys’ restrooms. The privacy modifications made to the restrooms address the already far-fetched concern that G.G. might see the genitals of another boy while using the restroom. Any boy who still feels uncomfortable with using the restroom at the same time as G.G. may avail himself of the recently installed single stall bathrooms. But the School Board may not place the burden solely on transgender students to use separate restroom facilities to address the alleged discomfort of others.

CLAIMS FOR RELIEF

COUNT I

Fourteenth Amendment to the United States Constitution

53.

54.

62. Under Title IX, discrimination “on the basis of sex” encompasses both discrimination based on biological differences between men and women and discrimination based on gender nonconformity.

63. Gloucester County Public Schools and Gloucester High School are education programs receiving Federal financial assistance.

64. By requiring G.G. – a transgender boy – to use separate restrooms because of his “gender identity issues,” the School Board has and continues to exclude G.G. from participation in, deny him the benefits of, and subject him to discrimination in educational programs and activities at Gloucester County Public Schools and Gloucester High School “on the basis of sex,”

B. Preliminary and permanent injunctions requiring the School Board to allow G.G. to use the boys' restrooms at school;

C. Damages in an amount determined by the Court;

D. Plaintiffs' reasonable costs and attorneys' fees pursuant to 42 U.S.C. § 1988; and

E. Such other relief as the Court deems just and proper.

Dated: June 11, 2015

Respectfully submitted,

AMERICAN CIVIL LIBERTIES UNION
OF VIRGINIA FOUNDATION, INC.

/s/

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