

Exclusionary bathroom policies harm transgender students' health

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Editor's note: *In a 2–1 decision, the 4th U.S. Circuit Court of Appeals in upheld a lower court's decision that a Virginia school board violated a transgender student's rights when it adopted a policy that required them to use an alternative private restroom instead of the communal ones.*

The court's decision cites a number of points from the amicus brief to present what it calls "a fact-based understanding of what it means to be transgendered, along with the implications of gendered-bathroom usage for transgender students." It also cites a 2018 issue brief from the AMA and GLMA: Health Professionals Advancing LGBTQ Equality and concludes that the school board made its decision "despite advances in the medical community's understanding of the nature of being transgender and the importance of gender affirmation."

A federal appeals court should uphold a lower-court ruling that says a Virginia school board violated a transgender student's rights when it passed a policy requiring them to use "alternative private" restroom facilities instead of communal restrooms.

The policy is harmful to transgender students' mental and physical health, the Litigation Center of the American Medical Association and State Medical Societies tells the 4th U.S. Circuit Court of Appeals in an amicus brief filed with 16 other medical, public health and mental health organizations in *Grimm v. Gloucester County School Board*. AMA policy supports transgender individuals' rights to access public restrooms according to their gender identities.

The brief informs the court about the medical community's consensus on what it means to be transgender, the protocols for treating gender dysphoria and how transgender adolescents' health is harmed when they cannot use restrooms that match their gender identity. Estimates suggest that about 0.6% of the adult population is transgender. That's about 1.4 million Americans.

"Access to single-sex facilities that correspond to one's gender identity is a critical aspect of social transition and, thus, successful treatment of gender dysphoria," the brief tells the court. "By contrast,

excluding transgender individuals from facilities consistent with their gender identity undermines their treatment; exposes them to stigma and discriminations, harms their physical health by causing them to avoid restroom use; and impairs their social and emotional development.”

The brief—which the American Academy of Pediatrics, American Academy of Child and Adolescent Psychiatry, and the American College of Physicians also joined—says requiring transgender students to use separate facilities such as bathrooms and locker rooms puts them at risk of being bullied. That, in turn, can lead to worse health outcomes.

Long legal battle

Grimm v. Gloucester County School Board—once poised to go before the U.S. Supreme Court—now finds itself before the 4th U.S. Circuit Court of Appeals after a long legal road with detours.

To transition socially, Gavin Grimm, a transgender male student at Gloucester High School, in Virginia, told administrators he identified as male at the beginning of his sophomore year in 2014. He used the boys’ bathroom for about two months without issue. But in December of that year, the Gloucester County School Board adopted a policy that stopped him from using that bathroom.

Grimm sued in 2015, seeking a preliminary injunction and asking the court to rule before the 2015-2016 school year began. After he graduated in 2017, Grimm withdrew his preliminary injunction motion and amended his complaint asking the district court to declare the school board violated his rights under Title IX and the Equal Protection Clause. He also asked for a permanent injunction against the policy.

In August, the U.S. District Court for the Eastern District of Virginia Newport News Division ruled that the school violated Gavin’s rights under the 14th Amendment and Title IX.

Causing harm instead of preventing it

With the 4th U.S. Circuit now considering the school board’s appeal of that decision, the AMA Litigation Center brief urges the appellate court to uphold the lower court decision, noting there is no evidence of physical or mental health harm to other children and adolescents when transgender students use facilities matching their gender identity.

“With appropriate support—including safe and supportive schools—transgender youth can become

happy and productive adults who contribute much to our society,” the brief concludes. “By making schools into places of stress and conflict rather than welcoming spaces, exclusionary policies worsen stigma and discrimination against transgender students, causing myriad harms to their health, safety and overall well-being.”