

U.S. Supreme Court To Rule Upon Transgender Student Issue

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In the latest development of transgender student issues, the United States Supreme Court agreed to review the ruling of the Fourth Circuit Court of Appeals in the matter of **Gloucester County School Board v. G.G.**, 822 F.3d 709 (4th Cir. 2016). In April, the 4th Circuit ruled that the U.S. Department of Education's interpretation of Title IX, as set forth in a "Dear Colleague Letter," to require school districts to allow transgender students to use restroom and locker room facilities consistent with their gender identity was entitled to deference. Previously, the Supreme Court granted the school district's emergency petition seeking a stay of that ruling. The stay remains in effect pending a decision on the merits by the Supreme Court. In accepting the case for review, the Supreme Court will rule upon the following specific legal issues: (1) Should deference extend to an unpublished agency letter that does not carry the force of law and was adopted in the context of the very dispute in which deference is sought?; and (2) with or without deference to the agency, should the Department of Education's specific interpretation of Title IX and its regulations be given effect? The Court's decision can be expected in June 2017.

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