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Delivered Via ECF

Patricia S. Connor, Clerk
United States Court of Appeals for the Fourth Circuit
Lewis F. Powell, Jr. United States Courthouse Annex
1100 East Main Street, Suite 501
Richmond, VA 23219

Re: G.G., by his next friend and mother, Deirdre Grimm v. Gloucester County School Board, No. 19-1952

Dear Ms. Connor:

The Gloucester County School Board respectfully responds to the February 13, 2020, letter from counsel for Appellee pursuant to FRAP 28(j), citing *Parents for Privacy v. Barr*, No. 18-35708 (9th Cir. Feb. 12, 2020). That decision largely supports the School Board here. The court recognized that restroom policies are better left to school boards than to federal courts (*see* slip op. at 9) and held that an Oregon school board that adopted a policy dissimilar from the policy at issue in this case did not violate Title IX or the Fourteenth Amendment rights of parents or students who opposed it. Nothing in *Parents for Privacy* supports a conclusion that the policy at issue in this case violates Title IX or the Fourteenth Amendment. In fact, the court distinguished, but did not disagree with, “cases suggesting that providing separate restrooms for males and females is not illegal.” *Id.* at 25.

The court held that “a policy that treats all students equally does not discriminate based on sex in violation of Title IX.” Slip op. at 9. That is equally true here. To say that the Oregon school board did not violate students’ rights is not the same as saying that the Gloucester County School Board did. *See id.* at 30 (“just because Title IX authorizes sex-segregated facilities does not mean that they are required [E]ven if ... ‘Congress intended to preserve distinct privacy facilities based on biological sex’ and ... the District chose not to do so, that fact alone is insufficient to state a legally cognizable claim under Title IX.”).

Very truly yours,

/s/

David P. Corrigan

DPC

cc: Joshua A. Block, Esq. (via ECF)
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