



**U.S. Department of Justice**

Office of the Solicitor General

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Washington, D.C. 20530

February 22, 2017

Honorable Scott S. Harris  
Clerk  
Supreme Court of the United States  
Washington, D.C. 20543

Re: Gloucester County School Board v. G.G., No. 16-273

Dear Mr. Harris:

This case, which is scheduled for argument on March 28, 2017, involves a question about the proper application to transgender students of the prohibition on sex discrimination under Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, and its implementing regulations, see 34 C.F.R. 106.33, in the context of sex-segregated facilities such as bathrooms and locker rooms. In the decision below, the court of appeals deferred to the interpretation of Title IX and its implementing regulations reflected in administrative guidance issued by the United States Department of Education. See *Auer v. Robbins*, 519 U.S. 452 (1997).

This letter is to inform the Court that, on February 22, 2017, the Department of Education, in conjunction with the Department of Justice's Office for Civil Rights, announced their decision to withdraw that guidance and a subsequent joint guidance letter, not to rely on the views expressed in the guidance, and instead to consider further and more completely the legal issues involved. Enclosed is a copy of the document withdrawing the guidance.

We would appreciate it if you would circulate copies of this letter and attachment to the Members of the Court.

Sincerely,

A handwritten signature in black ink that reads "Edwin S. Kneedler".

Edwin S. Kneedler\*  
Deputy Solicitor General

cc: See Attached Service List

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\* The Acting Solicitor General is recused from this case.