

Approved: 8/24/2023

## 504 STUDENT DRESS AND APPEARANCE

### I. PURPOSE

The purpose of this policy is to enhance the education of students by establishing expectations that support educational goals. Students and their families have the primary and joint responsibility for student clothing and appearance. Teachers and other charter school staff should exemplify and reinforce student clothing and appearance standards and help students develop an understanding of appropriate appearance in the school environment.

### II. GENERAL STATEMENT OF POLICY

A. The policy of Crosslake Community School (CCS) is to encourage students to be dressed appropriately for school activities and in keeping with community standards. The intention of this policy is not to abridge the rights of students to express political, religious, philosophical, or similar opinions by wearing clothing on which such messages are stated. Such messages are acceptable as long as they are not lewd; vulgar; obscene; libelous; do not denigrate, harass, or discriminate against others on the basis of protected class status under the Minnesota Human Rights Act; or do not violate charter school policies prohibiting discrimination, bullying, violence, harassment, or other harmful activities.

This is a joint responsibility of the student and the student's parent(s) or guardian(s).

B. A student's clothing or appearance may not materially and substantially disrupt or interfere with the educational mission, school environment, classwork, or school activities. A student's dress or appearance may not incite or contribute to substantial disorder or invasion of the rights of others or pose a threat to the health or safety of the student or others.

C. Students' rights to choose their dress and appearance for school and school-related activities will be protected provided that the clothing:

1. does not injure people or damage property;
2. does not materially and substantially disrupt or interfere with the educational process or classwork;
3. does not interfere with the requirements of discipline in the operation of the school or school activities, materially disrupt classwork;
4. does not involve substantial disorder or invasion of the rights of others.

Such clothing includes, but is not limited to, the following:

- Clothing for the weather.
- Clothing that does not create a health or safety hazard.
- Clothing for the activity (i.e., physical education or the classroom).
- Footwear that does not present a safety hazard.
- Headwear, including hats or head coverings, are **not** allowed provided that it does not cover the student's face to the extent that the student is not identifiable. Headgear must not interfere with the educational process. Hoodies **are not allowed**. Students must allow the face and ears to be visible from the front and sides and must not interfere with the line of sight to any student or staff including while the student wearing the hoodie is seated. Students may wear headgear for a medical or religious reason.

- Hair, including but not limited to hair texture and hair styles such as braids, locks, and twists.
- Clothing must cover areas from one armpit across to the other armpit. Tops must have wide shoulder straps. Undergarments cannot show through clothing or above, below or alongside clothing. See-through or mesh garments must not be worn without appropriate coverage.
  - a. **Shorts** must be long enough to be seen. Shirts, tops or sweatshirts cannot cover shorts or skirts completely
  - b. Students are encouraged to **keep a sweater, sweatshirt and shorts/pants in their locker** in case they get cold or are asked to modify clothing due to dress code violations.
  - c. Apparel distracting the learning environment (or a potential danger to themselves or others) is prohibited. Dress for school should be modest, respectful, clean, and in good condition. It should also allow for safe movements in the hallways, stairwells, and in all classes.

Student clothing may not include the following:

- Clothing (including emblems, badges, symbols, signs, words, objects or pictures on clothing or jewelry) bearing a message that is lewd, vulgar, obscene, libelous, or denigrates, harasses, discriminates against others on the basis of protected class status under the Minnesota Human Rights Act, or violates charter school policies prohibiting discrimination, violence, harassment, or other harmful activities.
- Apparel promoting products or activities that are illegal for use by minors.
- Communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group, or approves, advances, or provokes any form of religious, racial, or sexual harassment and/or violence against other individuals as defined in Policy 413.
- “Gang,” as used in this policy, means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or whose members engaged in a pattern of criminal gang activity. “Pattern of gang activity” means the commission, attempt to commit, conspiring to commit, or solicitation of two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of or belong to the same criminal street gang.

### III. PROCEDURES

- A. Enforcement of a student dress code will be approached with careful consideration and sensitivity, with the goals of supporting students as they express themselves and pursue their full potential, of not shaming students, and of minimalizing loss of instructional time. When possible, dress code matters should be addressed privately with students, should seek to determine whether factors exist that impact the student’s ability to comply with the dress code, and should seek to address such issues.
- B. When, in the reasonable judgment of the administration, (1) a student’s clothing or appearance may materially and substantially disrupt or interfere with the educational mission, school environment, classwork, or school activities; (2) may incite or contribute to substantial disorder or invasion of the rights of others; or (3) pose a threat to the health or safety of the student or others, the student will be directed to make modifications. Parents or guardians will be notified. Other consequences may be enforced in line with Policy 506 (Student Discipline).
- C. The administration may recommend a form of clothing considered appropriate for a specific event and communicate the recommendation to students and parents or guardians. **CCS** must not prohibit an American Indian student from wearing American Indian regalia, Tribal regalia, or objects of cultural significance at a graduation ceremony.
- D. Likewise, an organized student group may recommend a form of clothing for students considered appropriate for a specific event and bring such recommendation to the administration for approval.

- Legal References:** U. S. Const., amend. I  
Minn. Stat. § 124D.792 (Graduation Ceremonies; Tribal Regalia and Objects of Cultural Significance)  
Minn. Stat. § 363A.03, Subd. 36a (Definitions)  
*Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)  
*B.W.A. v. Farmington R-7 Sch. Dist.*, 554 F.3d 734 (8<sup>th</sup> Cir. 2009)  
*Lowry v. Watson Chapel Sch. Dist.*, 540 F.3d 752 (8<sup>th</sup> Cir. 2008)  
*Stephenson v. Davenport Cmty. Sch. Dist.*, 110 F.3d 1303 (8<sup>th</sup> Cir. 1997)  
*B.H. ex rel. Hawk v. Easton Area School Dist.*, 725 F.3d 293 (3<sup>rd</sup> Cir. 2013)  
*D.B. ex rel. Brogdon v. Lafon*, 217 Fed.Appx. 518 (6<sup>th</sup> Cir. 2007)  
*Hardwick v. Heyward*, 711 F.3d 426 (4<sup>th</sup> Cir. 2013)  
*Madrid v. Anthony*, 510 F.Supp.2d 425 (S.D. Tex. 2007)  
*McIntire v. Bethel School, Indep. Sch. Dist. No. 3*, 804 F.Supp. 1415 (W.D. Okla. 1992)  
*Hicks v. Halifax County Bd. of Educ.*, 93 F.Supp.2d 649 (E.D. N.C. 1999)  
*Olesen v. Bd. of Educ. of Sch. Dist. No. 228*, 676 F.Supp. 820 (N.D. Ill. 1987)  
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- Cross References:** MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 525 (Violence Prevention)

Policy 504 Student Dress and Appearance is also found in the Online Student and Family Handbook.

Policy 504 Student Dress and Appearance is also found in the Seat-Based Student and Family Handbook.

Policy 504 Student Dress and Appearance is a requirement of Osprey Wilds' and Minnesota Department of Education's Annual Charter School Assurances submission by October 31 of each year.