

**RUSHFORD-PETERSON SCHOOL DISTRICT #239 POLICY 504**

Adopted: \_\_\_\_\_: May 21, 2018

MSBA/MASA Model Policy 504

Orig. 1995

Revised: \_\_\_\_\_

Rev. 2002

**504 STUDENT DRESS AND APPEARANCE**

**I. PURPOSE**

The purpose of this policy is to enhance the education of students by establishing expectations of dress and grooming that are related to educational goals and community standards.

**II. GENERAL STATEMENT OF POLICY**

A. The policy of the school district is to encourage students to be dressed appropriately for school activities and in keeping with community standards. This is a joint responsibility of the student and the student's parent(s) or guardian(s).

B. Appropriate clothing includes, but is not limited to, the following:

1. Clothing appropriate for the weather.
2. Clothing that does not create a health or safety hazard.
3. Clothing appropriate for the activity (i.e., physical education or the classroom).

C. Inappropriate clothing includes, but is not limited to, the following:

1. Clothing must be neat and clean, promote the safety and health of the individual and it must not be a distraction to the school environment. Extremes in dress or grooming which jeopardize safety or health, or which disrupt the school will not be allowed. Clothing which promotes alcohol, tobacco, illegal drugs, and vulgarities or has a sexual or violent connotation is unacceptable. Bandanas and hats of any kind will not be allowed during the school day unless worn as a part of a school activity. Footwear must be worn at all times. Students will be asked to change, remove or otherwise refrain from unacceptable attire.
2. Objectionable emblems, badges, symbols, signs, words, objects or pictures on clothing, jewelry, or body communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group, evidences gang membership or affiliation, or approves, advances or provokes any form of religious, racial or sexual harassment and/or violence against other individuals are not permitted.
3. Any apparel or footwear that would damage school property.

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- ~~1. “Short shorts,” skimpy tank tops, tops that expose the midriff, and other clothing that is not in keeping with community standards.~~
  - ~~2. Clothing bearing a message that is lewd, vulgar, or obscene.~~
  - ~~3. Apparel promoting products or activities that are illegal for use by minors.~~
  - ~~4. Objectionable emblems, badges, symbols, signs, words, objects or pictures on clothing or jewelry communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group, evidences gang membership or affiliation, or approves, advances, or provokes any form of religious, racial, or sexual harassment and/or violence against other individuals as defined in MSBA/MASA Model Policy 413.~~
  - ~~5. Any apparel or footwear that would damage school property.~~
- ~~D. Hats are not allowed in the building except with the approval of the building principal (i.e., student undergoing chemotherapy; medical situations).~~
- E. It is not the intention of this policy to abridge the rights of students to express political, religious, philosophical, or similar opinions by wearing apparel on which such messages are stated. Such messages are acceptable as long as they are not lewd, vulgar, obscene, defamatory, profane or do not advocate violence or harassment against others. Students not abiding by the district appearance requirements will be asked to change into appropriate clothing. If the student refuses, parents will be called to pick up their student.
- ~~The intention of this policy is not to abridge the rights of students to express political, religious, philosophical, or similar opinions by wearing apparel on which such messages are stated. Such messages are acceptable as long as they are not lewd, vulgar, obscene, defamatory, profane, or do not advocate violence or harassment against others.~~
- F. “Gang,” as defined 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. When, in the judgment of the administration, a student’s appearance, grooming, or mode of dress interferes with or disrupts the educational process or school~~

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~~activities, or poses a threat to the health or safety of the student or others, the student will be directed to make modifications or will be sent home for the day. Parents/guardians will be notified.~~

~~B. The administration may recommend a form of dress considered appropriate for a specific event and communicate the recommendation to students and parents/guardians.~~

~~C. Likewise, an organized student group may recommend a form of dress for students considered appropriate for a specific event and make such recommendation to the administration for approval.~~

**Legal References:** U. S. Const., amend. I  
*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)

**Cross References:** Rushford-Peterson School District Policy 413 (Harassment and Violence)  
Rushford-Peterson School District Policy 506 (Student Discipline)  
Rushford-Peterson School District Policy 525 (Violence Prevention)