

**RED WING PUBLIC SCHOOLS  
BOARD OF EDUCATION POLICY**

**504 STUDENT DRESS AND APPEARANCE**

Adopted: October 18, 2004  
Last Revised: ~~August 20, 2018~~ June 20, 2023  
Last Reviewed: ~~July 15, 2019~~

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**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 (for example, physical education or the classroom).
- C. Inappropriate clothing includes, but is not limited to, the following:
1. "Short shorts," skimpy tank tops, tops that expose the midriff, clothes that are revealing, and other clothing that is not in keeping with community standards.
  2. Clothing bearing a message that is lewd, vulgar, or obscene. Examples include, but are not limited to, clothing with sexual or violent messages or images.
  3. Apparel promoting products or activities that are illegal for use by minors. Examples include clothing with tobacco, drug, and alcoholic themes.

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 Policy 413. Examples include, but are not limited to, swastikas, confederate flags, and altered religious symbols.
  5. Any apparel or footwear that would damage school property, pose a potential risk to other students, or disrupt the educational process. Examples include, but are not limited to, chains, hair picks, combs, outside jackets, and non-prescriptive eyewear.
- D. Headgear, including hats, caps, hoods, bandanas, and other similar head coverings, are not allowed in the building except with the approval of the building principal (for example, student undergoing chemotherapy; medical situations; student religious practice or belief).
- E. 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 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:***

MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 525 (Violence Prevention)