

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.** ~~of dress and grooming that are related to educational goals and community standards.~~ **Students and their families have the primary and joint responsibility for student clothing and appearance. Teachers and other district 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. It is the policy of Independent School District No. 182 to encourage students to dress 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. "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 Policy 413.

5. Any apparel or footwear that would damage school property.

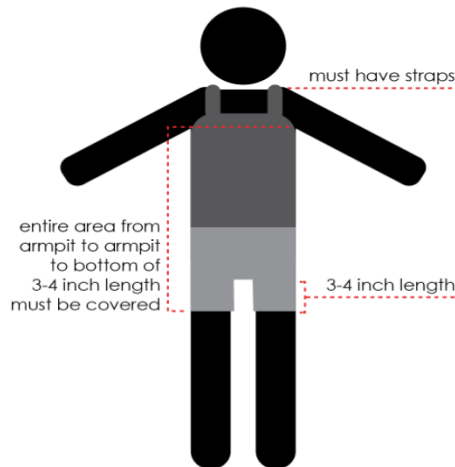
~~D. Headgear, including hats or head coverings are not allowed to be worn in the building except with the approval of the building principal (i.e., student undergoing chemotherapy; medical situations, student religious practice or belief).~~

D. Student clothing may not include the following:

1. Option 1: Students may not wear inappropriate clothing.

Option 2: Extremely brief garments and see-through garments may not be worn.

Option 3: Clothing must cover areas from one armpit across to the other armpit, down to approximately 3 to 4 inches in length on the upper thighs (see image).



[NOTE: MSBA is grateful to the Roanoke County Public Schools (Virginia) for its permission to incorporate this image in Model Policy 504.]

The previous Model Policy 504 prohibited “inappropriate” clothing and then presented a short list of examples. Creating a comprehensive, clear definition of “inappropriate” clothing presents significant challenges, as does reliance upon a small list of examples of “inappropriate” clothing.

MSBA encourages school boards to consider moving away from “appropriate” standards to an approach that focuses upon impacts upon other students and the educational process. A school board may decide to

focus upon the prohibition upon clothing that “materially and substantially disrupts or interferes with” the educational process and related standards set out in Paragraph II.B above rather than invoking a general ‘inappropriate’ standard.

MSBA understands that school boards may wish to establish expectations regarding clothing that covers one’s body. To this end, MSBA offers some examples a school board could adapt or adopt. Other options can be considered.

Subparagraphs 2-4 below could be retained regardless of how a school board chooses to proceed under Subparagraph 1.]

2. 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 school district policies prohibiting discrimination, violence, harassment, or other harmful activities.

[NOTE: Subparagraph 2 seeks to encourage understanding of the ways in which expression through clothing can communicate messages that create harm or a hostile learning environment for others.]

3. Apparel promoting products or activities that are illegal for use by minors.

4. 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.

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, 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 school district policies prohibiting discrimination, bullying, violence, harassment, or other harmful activities. ~~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. 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.
- A.B. When, in the reasonable judgment of the administration, (1) a student's clothing or appearance may materially and substantially ~~grooming, or mode of dress~~ ~~interferes with or~~ disrupts or interfere with the educational mission, school environment, classwork, or school activities; ~~process or school activities~~, (2) may incite or contribute to substantial disorder or invasion of the rights of others; or (3) 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.~~ Other consequences may be enforced in line with Policy 506 (Student Discipline). ~~Parents/guardians will be notified.~~
- C.B. The administration may recommend a form of dress considered appropriate for a specific event and communicate the recommendation to students and parents/guardians. A school district or charter school must not prohibit an American Indian student from wearing American Indian regalia, Tribal regalia, or objects of cultural significance at a graduation ceremony.
- D.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. Constitution, First Amendment
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 734 (1969)
B.W.A. v. Farmington R-7 Sch. Dist., 554 F.3d 734 (8th Cir. 2009)
Lowry v. Watson Chapel Sch. Dist., 540 F.3d 752 (8th Cir. 2008)
Stephenson v. Davenport Comm. School Dist., 110 F.3d 1303 (8th Cir. 1997)
B.H. ex rel. Hawk v. Easton Area School Dist., 725 F.3d 293 (3rd Cir. 2013)
D.B. ex rel. Brogdon v. Lafon, 217 Fed. Appx. 518 (6th Cir. 2007)
Hardwick v. Heyward, 711 F.3d 426 (4th 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 78 Educ. L.Rep. 828 (W.D. Okla. 1992)
Hicks v. Halifax County Board of Educ., No. 98-CV-981-BR (E.D.N.C. 1999)

Olesen v. Board of Educ. of Sch. Dist. No. 228, 676 F. Supp. 822 **820**, 44
~~Educ. L. Rep. 205~~ (N.D. Ill. 1987)

Cross References: Policy 413 (Harassment and Violence)
Policy 506 (Student Discipline)
Policy 525 (Violence Prevention)