

## Students

### Student Appearance<sup>1</sup>

A student's appearance, including dress and hygiene, must not disrupt the educational process or compromise standards of health and safety. The District does not prohibit hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists.<sup>2</sup> The District also does not prohibit the right of a student to wear or accessorize the student's graduation attire with items associated with the student's cultural, ethnic, or religious identity or other characteristic or category protected under the Ill. Human Rights Act, 775

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<sup>1</sup> Required by 105 ILCS 5/10-22.25b, amended by P.A.s 102-360 and 103-463, for recognition under 105 ILCS 5/2-3.25. For districts to receive recognition from the Ill. State Board of Education (ISBE), they must provide assurances of compliance with the *Jett Hawkins Law* (hairstyles) and P.A. 103-463 addressing graduation attire; this policy's second and third sentences do that. Ill. State Board of Education (ISBE) resources on the *Jett Hawkins Law* are available at: [www.isbe.net/jetthawkinslaw](http://www.isbe.net/jetthawkinslaw). ISBE's *Guidance on Display of Graduation Attire and Inclusion of Culturally Appropriate Regalia* (June 2024) is available at: [www.isbe.net/Documents/Graduation-Attire-Guidance.pdf](http://www.isbe.net/Documents/Graduation-Attire-Guidance.pdf). State or federal law also controls this policy's content.

105 ILCS 5/10-22.25b, amended by P.A.s 102-360 and 103-463, specifically authorizes a school board to adopt a school uniform or dress code policy. **There are hundreds of decisions on dress codes and uniform policies, making it imperative that a board contact its attorney for assistance in applying the law to specific fact situations.**

Generally, if a student's dress has sufficient communicative content, it will warrant First Amendment protection. If protected, a school's ability to regulate the dress will be analyzed according to *Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503 (1969) – it may be regulated only if it would substantially disrupt school operations or interfere with the right of others. In *Brandt v. Bd. of Educ. of City of Chicago*, 420 F.Supp.2d 921 (N.D.Ill. 2006), *earlier decision*, 326 F.Supp.2d 916 (N.D.Ill. 2004), an Illinois federal court upheld a school's authority to punish students for wearing t-shirts portraying a one-handed boy; the court said: "A school need not tolerate student speech that is inconsistent with the school's basic educational mission even though the First Amendment would protect similar speech or expressive conduct outside of the school setting. This holding is suspect after the Seventh Circuit decision in *Zamecnik v. Indian Prairie Sch. Dist. #204*, 636 F.3d 874 (7th Cir. 2011). There the court held that the school district violated students' free speech rights by forbidding them from wearing during school hours a T-shirt saying "Be Happy, Not Gay."

A school may regulate student dress that does not have sufficient communicative content to receive free speech protection, provided the regulation is not arbitrary or excessive. Although many courts have ruled similarly with respect to grooming, e.g., hair length, and non-earring piercings, the Seventh Circuit, the federal appellate court that governs Illinois, has struck down school regulations governing hair length and earrings (See *Breen v. Kahl*, 419 F.2d 1034 (7th Cir. 1969); *Crews v. Clones*, 432 F.2d 1259 (7th Cir. 1970) (exclusion of long-haired student from class constituted denial of equal protection to male students); *Arnold v. Carpenter*, 459 F.2d 939 (7th Cir. 1972); *Holsapple v. Woods*, 500 F.2d 49 (7th Cir. 1974) (limitation of ruling recognized by *Hayden ex rel. v. Greensburg Cmty. Sch. Corp.*, 743 F.3d 569 (7th Cir. 2014) (recognizing school's right to set policy); *Olesen by Olesen v. Bd. of Educ. Dist. 228*, 676 F.Supp. 820, 822 (N.D.Ill. 1987) (male students have a liberty interest in wearing an earring to school). But see *Blau v. Fort Thomas Public Sch. Dist.*, 401 F.3d 381 (6th Cir. 2005) (upheld a Kentucky middle school's student dress code that prohibited visible body piercing other than ears). A school's uniform policy was upheld in *Alwood v. Clark and Belleville Twp. High Sch. Dist. 201*, 2005 WL 2001317 (S.D.Ill. 2005).

<sup>2</sup> For boards that want to expand upon the law's requirement of race, ethnicity, or hair texture, amend this sentence as follows:

"The District does not prohibit hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists, nor does it prohibit hairstyles historically associated with any other protected status under Board policy 7:10, *Equal Educational Opportunities*."

If the board chooses this expansion and also uses policy 7:165, *School Uniforms*, ensure that this option aligns with the option in 7:165's f/n 10.

ILCS 5/1-103(Q).<sup>3</sup> Students who disrupt the educational process or compromise standards of health and safety must modify their appearance. Procedures for guiding student appearance will be developed by the Superintendent or designee and included in the *Student Handbook(s)*.<sup>4</sup>

LEGAL REF.: 105 ILCS 5/2-3.25 and 5/10-22.25b.  
Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503 (1969).

CROSS REF.: 7:10 (Equal Educational Opportunities), 7:130 (Student Rights and Responsibilities), 7:165 (School Uniforms), 7:190 (Student Behavior)

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<sup>3</sup> 105 ILCS 5/10-22.25b, amended by P.A.s 102-360 and 103-463. 775 ILCS 5/1-103(Q), which is referenced in 105 ILCS 5/10-22.25b, prohibits unlawful discrimination based on a person's actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service. See also f/n 1, above, for more information.

<sup>4</sup> A comprehensive Student Handbook can provide notice to parents and students of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The Handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board.

Members of the Ill. Principals Assoc. may subscribe to the IPA's Model Student Handbook Service. While this service is not a handbook *per se*, it provides principals with quick, user-friendly access to model student handbook provisions that are attorney drafted and fully aligned with IASB's policy services. For more information, see [www.ilprincipals.org/msh/](http://www.ilprincipals.org/msh/). See also sample exhibit 7:190-E2, *Student Handbook Checklist*.

APPROVED: