

## ***PROPOSED* RED WING PUBLIC SCHOOLS**

### **BOARD OF EDUCATION POLICY**

#### **504 STUDENT DRESS AND APPEARANCE**

##### **I. PURPOSE**

Red Wing Public Schools recognizes that clothing is an expressive activity protected under the First Amendment, but there also are legal limitations to that expression. This policy seeks to promote fair treatment of all students and to reduce staff time spent monitoring student clothing.

##### **II. GENERAL STATEMENT OF POLICY**

A. A student's clothing or appearance may not materially and substantially disrupt or interfere with the educational mission, school environment, classwork, or school activities of RWPS. 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 any individual.

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

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

Acceptable expression includes, but is not limited to:

- Clothing for the weather.
- 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, provided that it does not cover the student's face to the extent that the student is unidentifiable. Headgear must not interfere with the educational process. Hoodies 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 styles such as braids, locks and twists.
- American Indian students may wear Tribal regalia, or objects of cultural significance at a graduation or similar ceremony.

C. Student clothing may not include:

- See-through garments.
- Extremely brief garments.
- 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; evidences gang membership or affiliation; or violates school district 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.

D. 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.

### **III. PROCEDURES**

A. The District will enforce a student dress 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 minimizing loss of instructional time. When possible, dress will be addressed privately with students, will seek to determine whether factors exist that impact the student's ability to comply with the dress policy, and seek to address such issues.

B. 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.

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

D. 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)