

## **Students**

### **Student Dress and Appearance**

#### **I. Purpose**

This policy enhances the education of students by establishing expectations of dress and appearance that are related to educational goals, promote school unity, enhance student safety, and permit appropriate freedom of expression.

#### **II. General Statement of Policy**

This school district encourages students to be dressed and groomed appropriately for school activities. This is a joint responsibility of the student and the student's parent(s) or guardian(s).

#### **III. Goals**

A. The parameters in this policy concerning students' dress and appearance (including body markings) are intended to:

1. Maintain a safe learning environment in classes and at activities where protective or supportive clothing, or clothing appropriate for the weather, class, or activity, is needed.
2. Allow students to wear religious attire without fear of discipline or discrimination.
3. Ensure that all students are treated equitably and with respect regardless of race, sex, gender identity, gender expression, religion, cultural observance, household income, or body type/size.
4. Prevent students from wearing clothing or accessories that are lewd, vulgar, obscene, offensive, defamatory, profane, advocate violence or harassment against others, or are likely to cause substantial disruption or material interference with school activities including, but not limited to, profanity, hate speech, and pornography.

It is not the intention of this policy to abridge the rights of students to express political, religious, philosophical, or personal opinions by wearing apparel on which such messages are stated.

## IV. Clothing

### A. Requirements

1. Certain body parts are required to be covered by all students at all times in order to avoid substantial disruption or material interference with school activities. Clothes must be worn in a way such that genitals, buttocks and nipples are fully covered with opaque (not transparent) fabric.

### B. Students must wear:

1. A shirt with fabric in the front, back and on the sides under the arm, AND,
2. Pants/jeans or equivalent (for example, a skirt, sweatpants, leggings, a dress, or shorts), AND,
3. Footwear.

### C. Students cannot wear:

1. Clothing or accessories depicting violent language or images.
2. Clothing or accessories depicting images or language depicting or promoting: any illegal item or activity, drugs, alcohol, hate speech, promotion of threat/hate groups including gangs or supremacist groups, profanity, or pornography. This includes: emblems, badges, symbols, signs, words, objects or pictures on clothing or accessories communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group, evidences gang membership or affiliation, or approves of, advances or provokes any form of religious, racial or sexual harassment and/or violence against other individuals as defined in district policy.
3. Images or language that create a hostile or intimidating environment.
4. Swimsuits (except as required in class or athletic practice).
5. Accessories that could be considered dangerous or could be used as a weapon.
6. Any item that obscures (conceals) the face (except as a religious observance) including, but not limited to, masks, face paint or grooming.
7. Wearing clothing or footwear that may damage school property.

### D. The wearing of non-religious hats/caps will be determined at each site by the principal or department/program supervisor.

- E. These dress code guidelines will apply to regular school days and summer school days, as well as to any school-related events and activities such as educational travel, graduation ceremonies, dances and prom. A site principal or department/program supervisor may make exceptions to this policy if necessary and/or appropriate under the circumstances (e.g. spirit days, etc.). The site principal or department/program supervisor must give explicit permission in making the exception.

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)

*Stephenson v. Davenport Cmty. School Dist.*, 110 F.3d 1303 (8<sup>th</sup> Cir. 1997)

*D.B. ex rel. Brogdon v. Lafen*, 217 Fed.Appx. 518 (6<sup>th</sup> Cir. 2007)

*Lowry v. Watson Chapel Sch. Dist.*, 540 F.3d 752 (8<sup>th</sup> Cir. 2008)

*B.W.A. v. Farmington R-7 Sch. Dist.*, 554 F.3d 734 (8<sup>th</sup> Cir. 2009)

*B. H. ex rel. Hawk v. Easton Area School Dist.*, 725 F.3d 293 (3<sup>rd</sup> Cir. 2013)

*Hardwick v. Heyward*, 711 F. 3d 426 (4<sup>th</sup> Cir. 2013)

*Hicks v. Halifax County Bd. of Educ.*, 93 F.Supp.2d 649 (E.D.N.C. 1999)

*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)

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

Cross References:

Policy 413 (Harassment and Violence)

Policy 506 (Student Conduct and Discipline)

Policy 526 (Student Hazing Prohibition)

Policy 609 (Religion)

Policy

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INDEPENDENT SCHOOL DISTRICT 273

Edina, Minnesota

## Appendix I to Policy 504

### Implementation of Student Dress and Appearance

#### I. Procedures

Staff will always strive to maintain sensitivity and respect in administering this policy.

- A. Dress code violations will be discussed in a manner that minimizes student embarrassment and disruption from class.
- B. Students in violation will be provided the following options to comply with the student dress and appearance policy during the school day:
  - 1. Students in violation will be asked to put on their own alternative clothing, if already available at school, in order to better align with district policy for remainder of the day.
  - 2. If alternative personal clothing is not available, students will be provided with temporary school clothing to be dressed more to code for the remainder of the day.
    - a. Clothing provided to the student should not create an environment of shaming, and should be as inconspicuous as possible.
- C. No student should be affected by dress code enforcement because of racial identity, gender identity or expression, gender stereotypes, sexual orientation, ethnicity, cultural or religious identity, household income, body size/type, or body maturity.
- D. Student should not be shamed or required to display their body in front of others (students, parents or staff) in school. Shaming includes but is not limited to:
  - 1. Kneeling or bending over to check attire fit
  - 2. Measuring clothing
  - 3. Asking students to account for their attire in the classroom or in the hallways in front of others
  - 4. Failing to exercise professional discernment or discretion when speaking to students about their dress and appearance

Adopted: 9/24/18