

Burbank USD

Board Policy

Dress And Grooming

BP 5132

Students

The Burbank Unified School District's student dress code supports equitable educational access. To ensure effective and equitable enforcement of this dress code, school staff shall enforce the dress code consistently and in a manner that does not reinforce or increase marginalization or oppression of any protected class or group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, immigration, religion, cultural observance, household income or body type/size.

When the site administrator/designee determines that a student's appearance or attire is in violation of this policy, the student will modify his/her appearance, clothing, apparel, and/or accessories in such a manner that it no longer violates this policy. If necessary, with parental permission, the student may be given school clothing to wear, if available. Refusal to take steps as described in this policy shall be cause for disciplinary action against the student.

Parents/guardians have the primary responsibility to see that students are properly attired for school. School district personnel have the responsibility of maintaining proper and appropriate conditions conducive to learning. Hence, at all district schools or at school-related activities, inappropriate appearance and dress includes:

- Wearing clothing containing violent language or images or is affiliated with gangs, including bandanas. (Bandanas are only allowed on designated days.)
- Images or language depicting drugs or alcohol (or any illegal item or activity)
- Hate speech, profanity, and/or pornography
- Images or language that create a hostile or intimidating environment based on any protected class or groups
- Any item that obscures the face or ears; exceptions will be made for students who are observing a religious tradition
- Sunglasses that are worn inside a classroom, library, or any building (unless recommended by a physician)

Clothes must be worn in a way such that genitals, buttocks, midriffs, breasts, and nipples are fully covered with opaque fabric. All items listed in the "required to wear" and "may wear" categories below must meet this basic principle.

Students are **required** to wear:

- A shirt or top (with fabric in the front, back, and on the sides under the arms) **AND**

- Pants/jeans or the equivalent (for example, a skirt, sweatpants, leggings, a dress, or shorts that comply with the parameters listed above) **AND**
- Shoes

Students **may** wear (as long as it is in compliance with the parameters listed above)

- Knit caps, full brimmed hats, or beanies can be worn outside only; baseball caps are not allowed
- Religious headwear
- Hooded sweatshirts (wearing the hood over the head is not allowed)
- Fitted pants, including opaque leggings, yoga pants, and “skinny jeans”
- Ripped jeans, as long as buttocks are not exposed
- Tank tops, including spaghetti straps, off the shoulder tops, and halter tops
- Open-toed shoes/strapless sandals (elementary and middle school students must have straps and closed-toed shoes). Wearing slippers is not allowed without permission from a physician.

The district expects all students will dress in a way that is appropriate for the school day or for any school sponsored event. Student dress choices should represent the district’s intent to sustain a community that is inclusive of a diverse range of identities. The primary responsibility for a student’s attire resides with the student and their parent(s) or guardian(s). The district and individual schools are responsible for seeing that student attire does not interfere with the health or safety of any student, that student attire does not contribute to a hostile or intimidating atmosphere for any student, and that dress code enforcement does not reinforce or increase marginalization or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income, or body type/size. Any restrictions to the way a student dresses must be necessary to support the overall educational goals of the school and must be explained within this dress code.

Dress Code Enforcement

To ensure effective and equitable enforcement of this dress code, school staff shall enforce the dress code consistently using the requirements below. School administration and staff shall not have discretion to vary the requirements in ways that lead to discriminatory enforcement.

Inappropriate Dress

Students will only be removed from spaces, hallways, or classrooms as a result of a violating the “inappropriate dress” section of the dress code. If the administration determines a student's dress or appearance to be inappropriate, the following consequences will apply at the elementary level:

1. First Offense: Parent/guardian will be called. Student will need to change into acceptable clothing.
2. Second Offense: Parent/guardian conference held. Student will need to change into acceptable clothing.
3. Third Offense: Parent/guardian conference held. Additional interventions shall be considered which involve the parent, student, and school (e.g. Student Study Team (SST) meeting, referral to family counseling, etc.).

A student may request a second opinion from another administrator for collaboration before a consequence is applied. If the administration determines a student's clothing, jewelry, accessories, and/or appearance to be inappropriate, the following consequences will apply at the secondary level:

1. First Offense: Parent/guardian will be called. Student will need to change into acceptable clothing.
2. Second Offense: Parent/guardian will be called. Consequence assigned.
3. Third Offense: Student may be sent to detention and parent/guardian will be notified.
4. Fourth Offense: Saturday School or detention may be assigned; parent/guardian will be notified.
5. Fifth Offense: Parent/guardian conference held. Additional interventions shall be considered which involve the parent, students and school (e.g. Student Study Team meeting, referral to family counseling, etc.)

No student shall be subjected to dress code enforcement because of racial identity, sex assigned at birth, gender identity or expression, sexual orientation, ethnicity, cultural or religious identity, household income, body size/type, or body maturity.

In addition, the dress code shall not discriminate against students based on hair texture and protective hair styles, including but not limited to, braids, locks, and twists. (Education Code 212.1)

As it pertains to PE, no grade of a student participating in a physical education class shall be adversely affected if the student does not wear standardized physical education apparel because of circumstances beyond their control. (Education Code 35183.5)

School staff shall not enforce the school's dress code more strictly against transgender and gender nonconforming students than other students.

Staff shall not shame or require a student to display their body in front of others. "Shaming" includes, but is not limited to:

- Kneeling or bending over to check attire fit
- Asking students to account for their attire in front of others
- Calling out students about perceived dress code violations in front of others
- Accusing students of "distracting" others with their clothing
- Making critical or judgmental comments about a student's attire through verbal or non-verbal means which are not necessary to enforce this policy

The district expects students to be treated with respect when addressing a dress code issue. Conversations with students about dress code shall be private, respectful, and discreet.

No student may be suspended because of a violation of this Board policy unless:

1. The student has been given adequate notice of the violation of this Board policy.
2. The student has been given adequate opportunity under the circumstances to comply with the direction to cease violation of this Board policy.
3. Other means of correction fail to bring about proper conduct.

Legal Reference:

EDUCATION CODE

32281 School safety plans

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

COURT DECISIONS

Marvin H. Jeglin et al v. San Jacinto Unified School District et al, (C.D. Cal. 1993)

827 F.Supp. 1459

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251

Hartzell v. Connell, (1984) 35 Cal. 3d 899