

*Adopted: March 31, 2020
Revised: October, 2023
Local Control/Recommended*

504 STUDENT DRESS AND APPEARANCE

- I. PURPOSE:** The purpose of this policy is to enhance the education of students by establishing expectations of dress and grooming that are related to educational goals and community standards.

II. GENERAL STATEMENT OF POLICY

- A.** It is the policy of this school district to encourage students to be dressed 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.** A student's clothing or appearance may not materially and substantially disrupt or interfere with the educational mission, school environment, classwork, or school activities. 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 the students or others.
- C.** There are two basic principles/rules that govern our dress code:
- i.** Certain body parts must be covered for all students.
 - ii.** Genitals, buttocks, chest, and nipples must be fully covered by opaque fabric. This does not include cleavage, midriff, or shoulders as part of this standard.
 - iii.** Students must wear:
 - 1.** A shirt with opaque fabric in the front, the back, and on the sides under the arms.
 - 2.** Pants/jeans/shorts or the equivalent
 - 3.** Shoes or footwear
- D.** Dress and grooming on a school location must be appropriate to the school setting and not be lewd*, obscene*, abusive* related, or discriminatory.
- i.** *Lewd and Obscene is defined as follows:
 - 1.** The average person, applying contemporary community standards, would find that the clothing taken as a whole appeals to the prurient interest of minors of like age;
 - 2.** The clothing depicts or describes sexual conduct in a matter that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of like age, and
 - 3.** The clothing taken as a whole lacks serious literary, artistic, political or scientific value for minors.
 - ii.** *Abusive is defined as insulting, contemptuous or defamatory.

1. Wearing clothing that includes words or pictures which are obscene, vulgar, abusive and discriminatory or which promote or advertise alcohol, chemical, tobacco, guns/weapons or any other product that is illegal for use by minors.
 2. Wearing clothing and other items or grooming in a manner that represents and/or promotes threat/hate groups, hate speech, or written or expressed language that creates a hostile or intimidating environment based on any protected class or consistently marginalized group.
 3. Wearing of clothing or grooming that poses a threat to the health and safety of others.
- iii. Headwear, including hats or head coverings, are allowed provided that it does not cover the student's face to the extent that the student is not identifiable. Headgear must not interfere with the educational process. Students may wear headgear for a medical or religious reason
- iv. Minnesota Statute in 2023 enacted the Crown Act: which protects student hair, including but not limited to hair texture and hair styles such as braids, locks, and twists.
- v. Students Cannot Wear:
1. Any item that obscures the face, except as a religious observation or for medical reasons (no masks or face paint).
 2. Any clothing that reveals visible undergarments (visible waistbands on undergarments or visible straps on undergarments worn under other clothing are allowed as long as the basic principles of dress and grooming are upheld).
 3. No backpacks during the school day. Backpacks must be stored in locker during the school day.
- vi. Hair, including but not limited to hair texture and hair styles such as braids, locks, and twists.
- vii. It is not the intention of this policy 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. 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.
- 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.

- 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.
- D. Students may be asked to remove hats or hoods for educational or safety reasons.

Legal References: U. S. Const., amend. I
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 (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 Cmty. Sch. 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 (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)