504 STUDENT DRESS AND APPEARANCE

I. PURPOSE

The purpose of this policy is to enhance the education of students by establishing expectations that support educational goals. Students and their families have the primary and joint responsibility for student clothing and appearance. Teachers and other district staff should exemplify and reinforce student clothing and appearance standards and help students develop an understanding of appropriate appearance in the school environment.

II. GENERAL STATEMENT OF POLICY

A. The policy of the school district is to encourage students to be dressed suitably for school activities and in keeping with community standards. This is a joint responsibility of the student and student's parent(s) or guardian(s).

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

1. does not injure people or damage property;

2. does not materially and substantially disrupt or interfere with the educational process or classwork;

3. does not interfere with the requirements of discipline in the operation of the school or school activities, materially disrupt classwork;

4. does not involve substantial disorder or invasion of the rights of others.

Such clothing includes, but is not limited to, the following:

1. Clothing for the weather.

2. Clothing that does not create a health or safety hazard.

3. Clothing for the activity (i.e., physical education or the classroom).

4. Objectionable emblems, badges, symbols, signs, words, objects or pictures on clothing or jewely communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group, evidences gang membership or affiliation, or approves, advances, or provokes any form of religious, racial, or sexual harassment and/or violence against other individuals as defined in MSBA/MASA Model Policy 413.

5. Footwear that does not present a safety hazard.

6. Headgear, including hats or head coverings, are not allowed in the building except with the approval of the building administration (e.g., student undergoing chemotherapy, medical situations, students religious practice or belief.)

© Minnesota School Boards Association 2023
All Rights Reserved

7. Hair, including but not limited to hair texture and hair styles such as braids, locks, and twists.

B. The intention of this policy is not to abridge the rights of students to express political, religious, philosophical or similar opinions by wearing apparal on which such messages are stated. Such messages are acceptable as long as they are not lewd, vulgar, obscene defamatory, profane, or do not advance violence or harassment against others.

C. "Gang," as defined in this policy, means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or whose members engaged in a pattern of criminal gang activity. "Pattern of gang activity" means the commission, attempt to commit, conspiring to commit, or solicitation of two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of or belong to the same criminal street gang.

D. Student clothing may not include the following:

1. Clothing must cover areas from one armpit across to the other armpit, down to approximately 3 to 4 inches in length on the upper thighs (see image).

2. Apparel promoting products or activities that are illegal for use by minors.

3. 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.

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.

C. Likewise, an organized student group may recommend a form of clothing for students considered appropriate for a specific event and bring such recommendation to the administration for approval.

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)

© Minnesota School Boards Association 2023
All Rights Reserved

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)

© Minnesota School Boards Association 2023
All Rights Reserved