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504 STUDENT DRESS AND APPEARANCE

I. PURPOSE

The purpose of this policy is to enhance the education of students by establishing expectations of dress 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. Appropriate clothing/appearance includes, but is not limited to, the following:

1. Clothing appropriate for the weather.
2. Clothing that does not create a health or safety hazard.
3. Hair and hair styles, including but not limited to hair texture and hair styles such as braids, locks, and twists.
3. Clothing appropriate for the activity (e.g., physical education or the classroom).
4. School uniforms, as adopted by the administration.

C. Inappropriate clothing includes, but is not limited to, the following:

1. Clothing that intentionally shows private parts (nipples, genitals, buttocks). Clothing must cover private parts in opaque (not able to be seen-through) material.
2. Clothing bearing a message that is lewd, vulgar, or obscene.

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

4. Objectionable emblems, badges, symbols, signs, words, objects or pictures on clothing or jewelry 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 CHPS Policy 413.

5. Any apparel or footwear that would damage school property.

D. Hats are not allowed in the building except with the approval of the building principal (e.g., student undergoing chemotherapy; medical situations).

E. 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.

F. "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.

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 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. The administration may adopt a uniform policy for any or all schools within the school district with which students are expected to comply.

Legal References: U. S. Const., amend. I
Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733,
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 Community School District, 110 F.3d 1303 (8th Cir. 1997)
B.H. ex rel. Hawk v. Easton Area School Distr., 725 .3d 293 (3rd Cir. 2013)
D.B. ex rel. Brogdan 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, I.S.D. No. 3, 804 F. Supp. 1415, (W.D. Okla. 1992)
Hicks v. Halifax County Board of Educ., No. 93 FSupp.2d 649 (E.D. N.C. 1999)
Olesen v. Board of Educ. of Sch. Dist. No. 228, 676 F. Supp. 820, (N.D. Ill. 1987)
Minn. Stat.124D.792(graduation Ceremonies; Tribal Regalia and Objects of Cultural Significance)

Cross References: CHPS Policy 413 (Harassment and Violence)
CHPS 506 (Student Discipline)
CHPS Policy 525 (Violence Prevention)