

## **504 Student Dress and Appearance**

### **I. Purpose**

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

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

- A. The policy of the school district to encourage students to dress 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 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. Clothing appropriate for the activity (i.e., physical education or the classroom).
- C. Inappropriate clothing includes, but is not limited to, the following:
  - 1. Clothing bearing a message that is lewd, vulgar, or obscene.
  - 2. Apparel promoting products or activities that are illegal for use by minors.
  - 3. 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 Policy 413..
  - 4. Any apparel or footwear that would damage school property.
- D. Headgear, including hats or head coverings is not to be worn in the building, except with approval of the building administrator (i.e., student undergoing chemotherapy, medical situations, student religious practice or belief).
- 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.

**Legal References:**

U. S. Constitution, amendment I.

*Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (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 (3<sup>rd</sup> Cir. 2013)

*D.B. ex rel. Brogdon v. Lafon*, 217 Fed.Appx. 518 (6th Cir. 2007)

*Hardwick v. Heyward*, 711 F.3d 426 (4<sup>th</sup> 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, 205 (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)

**School Board Action:**

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