

## **Wabasha-Kellogg Public Schools Policy**

### **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. The policy of the School District is 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 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 and/or tattoos includes, but is not limited to, the following:
1. Short shorts or short mini-skirts, halter tops, skimpy tops that expose the skin, and other clothing that is not in keeping with community standards.
  2. Improperly fitting or torn clothing that exposes under garments or skin.
  4. Clothing which bears a message, which is lewd, vulgar, or obscene.
  5. Apparel displaying or promoting products or activities that are illegal for use by minors.
  6. Objectionable emblems, badges, symbols, signs, words, objects or pictures on clothing, on self as a tattoo (permanent or non-permanent) or jewelry communicating a message that is racist, sexist, or otherwise derogatory, evidences gang membership or affiliation, or approves, advances or provokes any form of religious, racial or sexual harassment and/or violence against other individuals.
  7. Any apparel or footwear that could create a safety hazard or interfere with the educational process or damage school property.

~~D. Headwear is not allowed in the building during the school day except with the approval of the building principal (i.e., medical situations, designated activity days).~~

Headwear is allowed. Headwear cannot be distracting or unsafe to the educational setting. It is expected that students will remove hats out of respect for the Pledge of Allegiance and other ceremonies/special events where school staff makes a request that it is not to be worn.

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. **In the event there are continued issues, a student may lose his/her privileges for the remainder of the school year.**

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 dress for students considered appropriate for a specific event and make such recommendation to the administration for approval.

**Legal References:** U. S. Const., amend. 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 (8<sup>th</sup> Cir. 2009)  
*Lowry v. Watson Chapel Sch. Dist.*, 540 F3d 752 (8<sup>th</sup> Cir. 2008)  
*Stephenson v. Davenport Cmty. Sch. Dist.*, 110 F.3d 1303 (8<sup>th</sup> 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. Lafen*, 217 Fed.Appx. 518 (6<sup>th</sup> Cir. 2007)  
*Hardwick v. Anthony*, 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. Board of Educ. of Sch. Dist. No. 228*, 676 F.Supp. 820, 44 Educ. L.Rep. 205 (N.D. Ill. 1987)

**Cross References:** Wabasha-Kellogg Policy 413 (Harassment and Violence)  
Wabasha-Kellogg Policy 500 (Student Discipline)  
Wabasha-Kellogg Policy 525 (Violence Prevention)