

BOARD POLICY UPDATE

BP/AR 5132 - Dress and Grooming

(BP/AR added)

New policy addresses communication of the dress code to students and staff; grants enforcement authority to the principal or designee; prohibits discriminatory enforcement of the dress code, including, but not limited to, discrimination based on gender identity, gender expression, or religious or cultural observance; and addresses disciplinary action for repeated violations or refusal to comply with the dress code. Policy also reflects **NEW LAW (SB 188)** which prohibits discrimination against traits historically associated with race, including hair texture and "protective hairstyles" such as braids, locks, and twists. New regulation provides general, gender-neutral guidelines for the dress code that may be revised to reflect district practice; includes circumstances under which the dress code should be modified for classes, activities, or individual students; and calls for collaboration with law enforcement agencies to define gang-related apparel. Regulation also provides that the determination of specific items of clothing shall be free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics.

STUDENT DRESS AND GROOMING

The Board of Trustees believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to wear clothing that is suitable for the school activities in which they participate. The school district and schools are responsible for ensuring that student attire does not interfere with the health or safety of any student, and that student attire does not contribute to a hostile or intimidating atmosphere for any student.

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

District and school rules pertaining to student attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary.

Students shall not be prohibited from dressing in a manner consistent with their gender identity or gender expression or with their religious or cultural observance.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

In addition, the dress code shall not discriminate against students based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Education Code 212.1)

The principal or designee is authorized to enforce this policy and shall inform any student who does not reasonably conform to the dress code. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code based on students' gender, sexual orientation, race, ethnicity, household income, or body type or size.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0415 - Equity)

(cf. 5145.2 - Freedom of Speech/Expression)

School administrators, teachers, and other staff shall be notified of appropriate and equitable enforcement of the dress code.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

STUDENT DRESS AND GROOMING (continued)

All students should be able to dress comfortably for school without fear of discipline or body shaming, as such dress code enforcement should be the least restrictive and disruptive to the student's school day. Administration and enforcement of the dress code shall be gender neutral and consistent.

Repeated violations or refusal to comply with the district's dress code may result in disciplinary action.

(cf. 5144 - Discipline)

The Board of Trustees believes that the responsibility for a student's attire primarily rests with the student and their parents/guardians.

Legal Reference:

EDUCATION CODE

212.1 Nondiscrimination based on race or ethnicity

220 Nondiscrimination

32281 School safety plans

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

COURT DECISIONS

Jacobs v. Clark County School District (2008) 26 F. 3d 419

Harper v. Poway Unified School District (2006) 445 App. 3d 166

Marvin H. Jeglin et al v. San Jacinto Unified School District et al (C.D. Cal. 1993)

827 F.Supp. 1459

Arcadia Unified School District v. California Department of Education (1992) 2 Cal. 4th 251

Hazelwood School District v. Kuhlmeier (1988) 108 S. Ct. 562

Hartzell v. Connell (1984) 35 Cal. 3d 899

Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503

STUDENT DRESS AND GROOMING

The guidelines below shall apply to all regular school activities, effective 2020-2021 school year.

Allowable dress and grooming:

1. Students must wear clothing including both a shirt with pants, shorts or skirt, or the equivalent, and shoes.
2. Shirts and dresses (tops) must have fabric in the front, back and on the sides.
3. Clothing must cover undergarments, waistbands and bra straps excluded.
4. Fabric covering all private parts must not be see-through.
5. Hats and other headwear must allow the face to be visible and not interfere with the line of sight to any student or staff.
6. Clothing must be suitable for all scheduled classroom activities, including physical education, science labs and other activities where unique hazards exist.

Non-allowable dress and grooming:

1. Clothing may not depict, advertise or advocate the use of alcohol, tobacco, marijuana or other controlled substances.
2. Clothing may not depict pornography, nudity or sexual acts.
3. Clothing may not use or depict hate speech targeting groups based on race, ethnicity, gender, sexual orientation, gender identify, religious affiliation or any other protected groups.
4. Clothing must not threaten the health or safety of any other student or staff.

The dress code shall be modified as appropriate to accommodate a student's religious or cultural observance, health condition, or other circumstance deemed necessary by the principal or designee. In addition, the principal or designee may impose dress requirements to accommodate the needs of special school activities, physical education classes, athletic activities, and other extracurricular and cocurricular activities.

(cf. 3260 - Fees and Charges)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

STUDENT DRESS AND GROOMING

No grade of a student participating in a physical education class shall be adversely affected if the student does not wear standardized physical education apparel because of circumstances beyond the student's control. (Education Code 49066)

(cf. 5121 - Grades/Evaluation of Student Achievement)

Students shall be allowed to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day. (Education Code 35183.5)

(cf. 5141.7 - Sun Safety)