

# PRESS

## Policy Reference Education Subscription Service

A policy and procedures information and update service for Illinois school boards and school attorneys.

**PRESS** – IASB's Policy Reference Education Subscription Service – is a resource for school administrators, school board members and school attorneys looking for well-reasoned sample policies and procedures plus the legal rationale and references supporting them.

**PRESS** has two components published online: a Policy Reference Manual and the periodic updates and revisions to it.

**PRESS** answers:

- What are appropriate policy subjects?
- What is the impact of state or federal law?
- What should be included in a policy verses left to implementing procedures?

In addition, **PRESS** provides sample procedures that enhance proper policy implementation (answering the questions of *who does what and when*).

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Jump to cross- references, most legal references, and all footnotes.

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Sample page from the Policy Reference Manual

Each PRESS policy is dated. → July 2017 → 7:160

← Students → The Manual has 8 separate sections.

← Student Appearance 1

A student's appearance, including dress and grooming, must not disrupt the educational process, interfere with the maintenance of a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency. Procedures for handling students who dress or groom inappropriately will be developed by the Superintendent and included in the *Student Handbook(s)*.<sup>1</sup>

LEGAL REF.: 105 ILCS 5/10-22-25b; *Tinker v. Des Moines Independent School Dist.*, 89 S.Ct. 733 (1969).

CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:165 (School Uniform), 7:190 (Student Behavior)

Applicable legal references and policy cross-references are listed.

← Explanations, analysis, rationale, alternatives, and legal references are contained in footnotes; these are for reference purposes and should not be adopted as part of a policy.

*The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.*

<sup>1</sup> State or federal law controls this policy's content. 105 ILCS 5/10-22-25b specifically authorizes a school board to adopt a school uniform or dress code policy. There are hundreds of decisions on dress codes and uniform policies, making it imperative that a board contact its attorney for assistance in applying the law to specific fact situations. Generally, if a student's dress has sufficient communicative content, it will warrant First Amendment protection. If protected, a school's ability to regulate the dress will be analyzed according to *Tinker v. Des Moines Independent School District*, 89 S.Ct. 733 (1969) – it may be regulated only if it would substantially disrupt school operations or interfere with the rights of others. In *Brand v. Board of Educ. of City of Chicago*, 2006 WL 623651 (N.D.Ill. 2006), *aff'd* on certiorari, 326 F. Supp.2d 116 (N.D.Ill. 2004), an Illinois federal court upheld a school's authority to permit students for wearing a shirt portraying a one-handed boy; the court said: "A school need not tolerate student speech that is inconsistent with the school's basic educational mission even though the First Amendment would protect similar speech or expressive conduct outside of the school setting. This holding is suspect after the Seventh Circuit decision in *Zamecnik v. Indian Prairie School Dist.*, 232 F.3d 574 (7th Cir. 2011). There the court held that the school district violated students' free speech rights by forbidding them from wearing during school hours a T-shirt saying 'Be Happy, Not Gay'."

A school may regulate student dress that does not have sufficient communicative content to receive free speech protection, provided the regulation is not arbitrary or excessive. Although many courts have ruled similarly with respect to grooming, e.g., hair length, and non-carrying piercings, the Seventh Circuit, the federal appellate court that governs Illinois, has struck down school regulations governing hair length and earrings (See *Hann v. Kellie*, 439 F.2d 1034 (7th Cir., 1969); *Crews v. Chicago*, 432 F.2d 1259 (7th Cir., 1970) (exclusion of long-haired student from class constituted denial of equal protection to male students); *Amabile v. Carpenter*, 459 F.2d 939 (7th Cir., 1972); *Haddock v. Wood*, 500 F.2d 469 (7th Cir., 1974) (limitations of using receivers by *Hadden et al. v. Greenburg Community School Corp.*, 743 F.2d 566 (7th Cir., 2014) (recognizing school's right to set policy); *Dillon vs. O'Brien v. Board of Educ. Dist. 225*, 676 F.Supp. 826, 822 (N.D.Ill.1987) (male students have a liberty interest in wearing an earring to school). But see *Blair v. East Thomas Public Sch. Dist.*, 401 F.3d 381 (6th Cir. 2005) (upheld a Kentucky middle school's student dress code that prohibited visible body piercing other than ears). A school's uniform policy was upheld in *Alwood v. Clark and Belleville Township High School Dist. 202*, 296S.W.2d 200(13) (S.D.Ill. 2005).

<sup>2</sup> A comprehensive Student Handbook can provide notice to parents and students of the school's conduct rules, extracurricular and athletic participation requirements, and other important information. The Handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and board.

Members of the Ill. Principals Assoc. may subscribe to the IPA's Model Student Handbook Service. While this service is not a handbook *per se*, it provides principals with quick, user-friendly access to model student handbook provisions that are attorney drafted and fully aligned with IASB's policy services. For more information, see: [www.illprincipals.org/resources/model-student-handbook](http://www.illprincipals.org/resources/model-student-handbook). See also 7:190-4E, *Student Handbook Checklist*.

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### *Does this replace the local district policy manual?*

No. The Policy Reference Manual available through **PRESS** does not replace the local district policy manual. Instead, it supplements the district's policy proficiency. It serves as an encyclopedia of policy and procedures for every school district, whether or not the district has completed an IASB Policy Manual Customization.

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