

Sample page from the Policy Reference Manual

Each PRESS policy is dated.

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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. 2

LEGAL REF.: 105 ILCS 5/10-22.25b.
Tinker v. Des Moines Independent School District, 89 S.Ct. 733 (1969).

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

Applicable legal references and policy cross-references are listed.

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

1 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 right of others. However, in upholding a school's authority to punish students for wearing shirts portraying a one-handed boy, an Illinois federal 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." Branst v. Board of Educ. of City of Chicago, 2006 WL 623651 (N.D.Ill., 2006), *en banc decision*, 326 F.Supp.2d 916 (N.D.Ill., 2004).

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-earring piercings), the Seventh Circuit, the federal appellate court that governs Illinois, has struck down school regulations governing hair length and earrings (See Boden v. Kahl, 419 F.2d 1034 (7th Cir., 1969); Cress v. Clines, 432 F.2d 1259 (7th Cir., 1970) (exclusion of long-haired student from class constituted denial of equal protection to male students); Arnold v. Carpenter, 459 F.2d 939 (7th Cir., 1972); Holzapfel v. Woods, 500 F.2d 49 (7th Cir., 1974); Olesen v. Board of Education, 676 F.Supp. 820, 822 (N.D.Ill.1987) (male students have a liberty interest in wearing an earring to school. But see Bijan v. Free 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. Bellefonte Township High School Dist., 2005 WL 2001317 (S.D.Ill., 2005).

2 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.

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.

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