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School Dress Codes

Clothing as a primary means for expressing ideas for students is as primitive as clothing itself, yet schools across the country often grapple with whether to enforce strict dress code policies that may interfere with a student's right to self-expression.

While school boards are generally allowed to create and enforce dress code programs within their districts, they must do so without violating the constitutional rights of students.

School Dress Code Laws

The first school dress code law was established in 1969 by the U.S. Supreme Court. The case, known as *Tinker vs. Des Moines Independent School District*, involved several high school students who wore black armbands to school in a planned protest against the Vietnam War. In a far-reaching decision, the Court essentially decided that schools may limit student expression (such as enforcing dress codes) if there is a legitimate concern that such expression will be disruptive to the learning environment or violate the rights of others.

Today, most states have laws that allow school boards to make dress code rules for students within their district to promote a safe, disciplined school environment, prevent interference with schoolwork and discipline, and to encourage uniformity of student dress. For instance, dress codes that prohibit clothing that is vulgar, obscene or worn in a manner that disrupts school activity are generally permitted, whereas dress codes that censor student expression because educators do not like the message are generally not permitted.

Dress Code Policies vs. Freedom of Speech

Not all speech is protected in a school setting. For example, students who wear clothing that follows the latest fashion trend, such as oversized shirts and slouchy jeans for boys, or short skirts and mid-drift cut-out shirts on girls, or clothing that supports a particular sports team, religion, or political point of view, may be prohibited in dress code policies if the student's choice in clothing draws attention away from the school's learning environment.

Therefore, limits on dress codes have including the following:

- Limits on "gang-related" clothing, sometimes described as over-sized clothing and other clothing meant to show affiliation with a certain gang or group, such as certain colors, logos, brand names, or arrangement
- Ban on suggestively-themed T-shirts, such as Marilyn Manson t-shirts
- Requirement to wear school colors only
- Limits on skirt, shirt, and pant length
- Ban on clothing that depicts lewd, sexually explicit, or indecent drug use
- Seasonal clothing restriction, such as limits on midriffs and lower backs not being exposed in hot weather
- "Baggy pants" restriction prohibiting students from wearing clothing that exposes underwear or body parts in a way that is indecent or vulgar

Freedom of Religion Issues

In contrast to limits on dress as a means to providing a safe learning environment, school dress codes, in most cases, cannot be used to prevent students from expressing their religion beliefs. Both the Constitution and most state laws protect student's rights to wear religious attire in school, such as the wearing of a turban, yarmulke, or head scarf.

Below are situations where dress codes have been challenged on religious freedom grounds:

- Muslim Girl suspended for wearing a head scarf
- Ban on cross necklaces

- Bans on wearing traditional dress (such as feather or tribal cloth) to graduation
- Ban on the wearing of non-US flag necklaces
- Ban on rosaries
- Requirement that boys cut their hair to comply with a campus dress code

What Schools Can Do

Generally, schools have the right to create rules that provide an effective public school education for its students. Both students and staff of primary, elementary, junior and senior high school campuses have the right to be safe and secure in their persons. This means that school may include in their dress codes methods which further the goals of a learning institution and that prevents violent or abusive behavior.

What You Can Do

Students and parents should obtain a copy of your school's dress code policy to get an understanding of what may or may not be acceptable clothing at school. For questions concerning whether the policy infringes on your constitutional rights, you may wish to consult with an education attorney in your area who can advise you of the laws in your state.

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