

# **Portland Public Schools**

## **Recommendations on Updating the Student Dress Code Policy in Portland Public Schools**

Prepared for Assistant Superintendent Antonio Lopez  
by the District Dress Code Advisory Committee  
Monday, May 16, 2016

Contents

Overview.....Page 2

Recommendations.....Page 3

Appendices

List of District Dress Code Advisory Committee Members.....Page 4

List of Focus Groups.....Page 5

Online Google Form Responses.....Page 5

Focus Groups and Online Responses Summary.....Page 6

Testimony to PPS School Board from May 2015.....Page 13

West Sylvan Middle School Letters

Model Dress Code from Oregon Chapter of the National Organization for Women

ACLU Know Your Rights: School Dress Codes

Attachment

Proposed 4.30.013 - Administrative Directive Student Dress Code

# Overview

Portland Public Schools (PPS) convened the District Dress Code Advisory Committee (DDCAC) in response to growing national publicity regarding the enforcement of public school dress codes, together with testimony by PPS students at the May 25, 2015 School Board regarding inequitable dress code enforcement, particularly concerning female students.

DDCAC includes teachers, parents, students, and school administrators working with PPS staff representatives. The Committee reviewed and discussed:

- Policy objectives of public school dress codes generally and PPS specifically;
- Experience of teachers and administrators enforcing school discipline policies at different grade levels and different schools;
- PPS policies promoting equity and student dignity and self-determination;
- Feedback from community focus groups on the existing PPS dress code and its enforcement, and recommendations to update the dress code policy;
- Feedback from surveys of administrators, teachers, parents/guardians and students regarding the existing PPS dress code and its enforcement, and recommendations to update the dress code policy; and
- Information from and proposed dress code policies recommended or adopted by school districts and policy organizations.

The DDCAC objective is to consider and recommend a district wide dress code policy (“Policy”) and Administrative Directive (“AD”) concerning its application. Together the policy and AD should enable and promote the following:

- Treat all students with dignity and equity, regardless of gender/gender identification, sexual orientation, race, ethnicity, body type/size, religion, and personal style.
- Administrators and PPS staff charged with applying and enforcing the dress code should be educated and informed about the Policy and AD to enforce it consistently and equitably across all schools in the district.
- Maintain a safe learning environment in classes where protective or supportive clothing is needed, such as chemistry/biology (eye or body protection), dance (bare feet, tights/leotards), or PE (athletic attire/shoes).
- Allow students to wear clothing of their choice that is comfortable.
- Allow students to wear clothing that expresses their self-identified gender.
- Allow students to wear religious attire without fear of discipline or discrimination.
- Prevent students from wearing clothing with offensive images or language, including profanity hate speech, or pornography.
- Prevent students from wearing clothing with images or language depicting or advocating violence or the use of alcohol or drugs.

## Recommendations

DDCAC recommends that PPS adopt the attached proposed Policy and Administrative Directive. The policy should reflect that the primary responsibility for a student's attire resides with the student and parents or guardians. To the extent there is a cultural or behavioral aspect to what is deemed "appropriate" attire, PPS role should be confined to curriculum specific instruction in pre-professional and vocational courses.

The members of DDCAC are aware of and have considered views concerning personal "values" or "morality" associated with student attire. Nationally, much of the controversy around dress code enforcement has centered around clothing deemed "distracting" or "sexually suggestive" or vaguely described as otherwise "inappropriate". Such terminology is vague, subjective, and very difficult to enforce equitably. Moreover, it allows individual PPS staff or administrators to impose their personal values on students. The result is inconsistent enforcement at best, and at worst, discriminatory enforcement.

The school district and individual schools should be responsible for seeing 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. Enforcement of specifics beyond the basic requirements of safety and non-discrimination increases the risk of staff resources being diverted to disciplinary conflicts over non-safety oriented attire issues.

Students should have the most choice possible in how they dress for school. Any restrictions must be necessary to support PPS' overall educational goals. PPS must explain the restrictions within the Policy or AD.

PPS' current policy allows individual schools considerable discretion in setting their own dress code. Individual PPS schools have created their own student dress codes and enforced them in different ways. This has resulted in inequitable enforcement across the district, as well as individual school policies and enforcement that is inconsistent with PPS discipline and/or equity objectives. This recommended policy is intended to set the Policy for the entire district. The AD should be disseminated and followed uniformly, with schools prohibited from creating a more restrictive code without permission from PPS General Counsel. Uniforms and Uniform Codes are still permitted.

Nothing in these recommendations is intended to convey a message about PPS views on any specific type of garment or style of garment, nor does PPS "recommend" or "endorse" any form of garment. PPS expects and encourages all families to decide what is appropriate for their children to wear to school, within the broad guidelines of safety and equity discussed above and in the recommended policy. PPS hopes that parents will encourage their children to come to school attired in ways that are consistent with the family's culture and values, as well as safe and comfortable for participation in educational activities. However, it is not the responsibility of PPS to mandate that the entire student community conform to any values other than the ones specifically addressed in these recommendations.

# Appendices

## List of District Dress Code Advisory Committee Members

Jeandre Carbone  
Vice Principal, Benson High School

Sophia Carlson  
Student, Irvington K-8 School

Elleanor Chin  
Parent, Buckman Elementary School

Bryan Chu  
Teacher, Hosford Middle School

Yeng Dhabolt  
Program Administrator, PPS

Lisa Frack  
Parent, Sunnyside K-8 & Buckman Elementary School

Ben Keefer  
Principal, Vernon K-8 School

Robin Mack  
Community Engagement, PPS

Ciara Marcell  
Student, Benson High School

Jesse Merz  
Dean, Jefferson High School

Darryl Miles  
Vice Principal, Cleveland High School

Lexi Moyer  
Student, PCC Gateway to College

Ellen Whatmore  
Teacher, Wilson High School

**List of Focus Groups**

Parents and Students at Lee K-8 School  
Parents and Students at Marysville K-8 School  
Students at Boise-Eliot/Humboldt K-8 School  
Students at Lincoln High School  
Students at West Sylvan Middle School  
African American Students hosted at Harrison Park K-8 & Madison High School  
Chinese Parents hosted at Asian Health & Service Center  
Latino Parents and Students hosted at Madison High School  
Native American Parents and Students hosted at Jefferson High School  
Somali Parents hosted at Central Northeast Neighbors  
Vietnamese Parents hosted at Asian Health & Service Center

**Online Google Form Responses**

Administrators at PPS Leadership meeting  
Teachers at School Staff meetings  
Parents and Students from Mt. Tabor Middle School Facebook  
Parents and Students from PPS Dress Code Facebook  
Parents and Students from Buckman Elementary School Facebook  
Parents and Students from Oregon NOW Facebook

## Focus Groups and Feedback Summary

### Student Dress Code: Overall Themes

In the early Spring of 2016, staff and researchers from Portland Public Schools (PPS) conducted online surveys, distributed to students, parents, administration and faculty across schools under PPS, as well as focus groups with parents and students ranging in ethnic identities and community groups in neighborhoods throughout Portland. Data were transcribed and coded for emerging themes, which are organized as results below.

### Problems Around Current Policy

**Clear, consistent policies and enforcement:** Every community from students, parents, teachers, and administrators, wants to know exactly what the dress code is, including examples and visual guides of what is allowed and prohibited. Currently, there are multiple inconsistencies between schools and grade levels in school-appropriate clothing, which causes confusion and frustration.

#### Parents & Students:

- For parents and students, **buying clothing and dressing students for school is confusing** especially with school-specific or age-specific differences in dress code policies.
- Parents are especially interested in having **separate documents** sent home to hold parents and students accountable for what students wear at school. Several parents admit to not knowing what dress code exists right now.
- Families and parents whose first language is not English want any informational documents translated by speakers of their native language, not a computer program, to facilitate understanding and compliance with school dress codes.

#### Teachers & Administrators:

- For teachers and administrators, inconsistencies in policies and enforcement lead to **resistance from students** regarding enforcement of dress codes in the classroom. One teacher mentioned that a common response from students to teachers enforcing dress codes is,

*"I've been wearing this all day, and no one else has said anything."*

- Consequently, a majority of teachers “**pick their battles**” when enforcing dress code policies during instruction time, especially regarding codes that do not take into account the **weather changes and spaghetti straps or wearing hats indoors**.
- Solutions to these issues suggested by teachers range from **instating uniforms to abolishing the dress code**.
- Despite the variety of desired outcomes in teacher responses, each response indicates a desire to come to a resolution that will **eliminate the need to make judgment calls** add to teachers’ existing workload.
- Overall, teachers expressed that they would rather **not have to enforce dress code** as often as they do, indicating that it is a poor use of time, feels uncomfortable, and is difficult to enforce as it is enforced inconsistently among staff.

**Discipline:** Regarding discipline for dress code violations, the **loss of time in the classroom** is a huge concern from all communities and age groups. Respondents mentioned that students, mainly female students, are losing hours of classroom time or even getting sent home for violating a school’s dress code.

- **There is general agreement about that parents should be notified**, though opinions are mixed about when; some parents would like to be notified after the first occurrence while others do not want to be involved until there have been two or more violations.
- The preferred method of communication about dress code violations among respondents is **a one-on-one conversation with the student and a faculty member during a break between classes** that addresses both the dress code violation and any underlying concerns that might be affecting their clothing choices or availability.

#### Teachers:

- One teacher mentioned that “*discipline should be secondary to positive change,*” redirecting any dress code violations to **constructive action instead of removal from classrooms and instruction time**.

#### Students:

- The concerns that do arise around teachers and dress code enforcement come from students’ observations as well. Many students mention that male teachers express discomfort with some female students’ attire, **resulting in girls being disciplined by their teachers more often than boys**.

**Financial concerns:** Financial hardships and a family’s ability to provide school-appropriate clothing emerged as a concern, especially around **seasonal changes in weather**.



- Teachers are concerned about students' lack of resources for clothes or coming to school in dirty or seasonally inappropriate clothing, and suggested that **resources be provided for lower income students** who cannot afford the high cost of clothing.
- Some suggestions included **sending out letters** to remind teachers and parents of dress code concerns with changes in weather, numbers for **hotlines or community resources** that might be able to provide affordable clothing, and **clothing drives** or "clothing closets".

## Suggestions for New Dress Code

**Uniforms:** These data suggest that there are mixed opinions on requiring uniforms throughout the community.

### For uniforms:

- Respondents that agree with having uniforms say that it would be **easier to prepare their students' clothes**.
- Uniforms would be easier to control.
- Uniforms are also seen as a way to **deter bullying around clothing brands and perceived social and economic class differences**.

### Against uniforms:

- Respondents who do not support required uniforms mention encouraging **individual expression**.
- **Financial concerns** around uniforms arose in the data, especially from families with several students who would have to make a large purchase at once to provide school appropriate clothing.

### Teachers:

- Teachers advocated both for the simplicity that uniforms provide and the abolishment of uniforms as they limit self-expression and individuality.
- For some respondents, uniforms became an issue of race: teachers were confused as to why **predominantly African American schools were required to wear uniforms more so than schools with a white student majority**.

**Professionalism:** One overall theme that emerged in administrator, teacher, parent, and student responses was a shift toward a dress code that focuses on "**dressing for success**". This had various meanings for different groups.

- Some respondents called for business casual dress code policies, while other groups merely wanted to change the tone to emphasize that the dress code should remind everyone that students are at school primarily to learn. This is in conflict with the previously mentioned issue around clear, specific dress code policies since the **interpretation of a professional or business casual attire varies** within the data.

**Increased community involvement:** In creating the dress code, many administrators, teachers, parents, and students are calling for more student involvement, saying that a conversation about what the dress code is and what it means might bring a more accepting policy.

Teachers:

- One teacher suggested that school culture should incorporate: *“larger discussions about appropriate language, behavior, and dress... and student panels, class discussions, and student-led leadership campaigns.”*
- Teachers indicated that the dress code should be a **student led issue with more parental involvement**.

Parents & Students:

- Students expressed an interest in **leadership around building a new dress code** policy that reflects their values.
- Parents indicated that **more conversations should be had with families** and their teachers about what a quality dress code looks like which **prioritizes family’s time and resources**.

**Item-specific dress code suggestions:** Overall, students, parents, teachers, and administrators want clearly defined dress code policies that use gender neutral language so that it can be enforced for all students. Specific dress code policies that were mentioned frequently were policies about shorts and skirt lengths, the width of tank top straps, hat and hood wear, appropriate shoes, and clothing regarding violence or illegal substances.

Pants/Bottoms:

- Responses are mixed about using the end of your fingertips or other body-specific measurements to determine what is appropriate because different body types will look different using these arbitrary measures.
- This is especially salient for girls who are taller or developing earlier than their peers.
- One aspect about bottoms that all respondents agreed on was that **undergarments and genitals should not be visible at all with appropriately sized pants, skirts, or shorts**.

#### Tank tops:

- Respondents were overall indifferent to the width of two fingers and the width of “spaghetti straps”, but students, parents, and administrators noted that female students were more closely monitored for strap width than male students.
- Those who were in favor of the two finger measure said that they already **shopped for students’ clothing with this requirement in mind.**
- Those in favor of allowing spaghetti straps mentioned that some schools had **poor climate control**, especially during warmer months.
- Currently, enforcement is inconsistent with some teachers allowing (mainly female) students to remove jackets during class during warmer weather.

#### Headgear:

- Most respondents said that hats should be allowed especially in colder months when hats **provide much needed warmth in schools with poor climate control**, unless an individual student is distractedly playing with one during instruction.
- Most respondents said **hoods and masks should not be allowed for safety reasons**, including being able to see a person’s face and being able to hear instructions and any emergency alarms.
- Religious and cultural exceptions did not seem to be an issue; most schools mentioned were flexible enough to make allowances for culturally specific items.

#### Shoes:

- The most common concern around shoes are that **open-toed shoes can be a safety issue.**
- Responses from parents and students mention that open shoes are **necessary in warmer months.**
- Some families of different ethnic groups said that it is **can sometimes be a challenge financially to provide appropriate footwear.**

#### Violent/Illegal Activity and Substances:

- All respondents were in favor of prohibiting clothing that condoned violence or illegal activity and substances.
- Concerns around marijuana were noted during data collection. It is important to note here that **illegal activity includes underage consumption of legal substances.**

### **Dress Code and Culture**

**Cultural and Religious Attire:** The data revealed issues of cultural objects conflicting with the dress code policies. Overall, individual schools are generally accepting of cultural objects, such

as head coverings, with culturally important value and make exceptions to accommodate student diversity. All respondents indicated that the dress code policy should be inclusive of cultural and religious specific wear.

Parents:

- Parents expressed concern over other culturally-specific items, such as medicine pouches and ceremonial ribbons, and the **removal of these items without notification**.
- **Discussions** around the cultural significance and alignment with dress code policies need to take place **before an item is seized from a student**.

Teachers:

- Teachers indicated that enforcement varies for students who wear culturally specific items, specifically that **exceptions should and are made for religious and cultural objects**.

## Dress Code and Gender

**Targeted discipline:** Many students and administrators suggested that there is unequal practice of enforcement for the dress code policy, making them feel that there is special treatment for some students. Respondents note that female students are getting targeted more for dress code violations than male students.

Students:

- Female students remark that **they feel especially uncomfortable when the gender-specifics of the dress code is enforced** on them by a male faculty member.
- Female students expressed **feelings of shame** stemming from restrictions around gender-specific clothing items.
- Male students said that they did not mind the dress code because **it does not revolve around clothes typically worn by male students**.
- Students of both genders specifically stated that **their current school dress code is sexist and that certain students are targeted**.
- Many students remarked that targeted discipline occurs for specific body types, particularly among **taller, overweight, or maturely developed students**.

Teachers:

- The majority of educators agree with updating the dress code also believed that the policy focuses on gender differences, **specifically discriminating against girls**. When

asked, “Are your school’s dress codes enforced for all groups?,” one teacher responded, *“Girls seem to bear the brunt of the inappropriate clothing mandates, but this is centuries old, so it doesn't surprise anyone.”*

- One teacher highlights the theme of **gendered discipline as distracting from learning** rather than distracting for students:  
*“I feel that if a girl’s shirt shows an inch or two of her belly, especially when she reaches her hands up, who cares. It takes away my instructional time to have to deal with these things and I don't believe the ‘infractions’ interrupt learning.”*
- **Accountability for students’ distraction of how others are dressed** was highlighted by another teacher:  
*“In the past, there has been more stress or codes with girls and that is not fair. I understand girls' clothes seem less covering, but this is not a distraction. The terms clothing distracting others will not be allowed is not ok. The person distracted needs to be responsible and learn to deal with clothing.”*

#### **Negative feelings:**

- All communities and ages had participants that expressed that they do not understand the benefits of a **restricting and gender-specific dress code**.
- Teachers and students indicated that students should have the choice to **cross-dress and express themselves in unique ways**.
- Some respondents expressed a **cultural shift of adolescent clothing style**, and a need to update the dress code policy.
- Overall, students and teachers hold negative feelings towards trying to remember the **specifics of inconsistent dress codes, and limiting clothing options**.

### Testimony to PPS School Board from May 2015

Students and parents presented to the Board on May 26, 2015. They are featured at the [1:00:25](#) time in the video.



<http://www.youtube.com/watch?v= glq9ne1t6A>

Dear PPS Board Members,

Due to the rising temperatures and confusion with the dress code, our committee has taken on the duty to make reasonable suggestions for dress code updates. Please consider the following:

- Skirts and shorts must be 14 inches or longer, measuring from waist down.
- Shorts, pants, spandex, etc. must be worn under skirts and dresses
- All shirts must have straps

As leader and founder of the Solution Committee, I personally have trouble with the present dress code. Using the present fingertip length rule, my arms at fingertip length suggest all I can wear are bermuda shorts. So, an update to the dress code is needed to fit the trend. Due to different body proportions, a different approach is needed to provide clear guidance and help all students return to educational goals. Ultimately in the end staff will always use discretion to determine appropriateness of clothing.

Thank you for your careful consideration,

The Solution Committee

*Alexis Junk*

April 25, 2016

Dear Portland Public School Board,

We are a group of sixth graders who are respectfully requesting you to reconsider the PPS dress code. We are proposing you consider changing the dress code related to shorts, bra straps, and tank tops. Please listen to our voices and ideas.

1. Shorts should be at least 9.5 to 10 inches above your knee
2. It is acceptable that bra straps show when wearing a t shirt/tank top/spaghetti strap tank top/dress
3. Tank tops/shirts/dresses with spaghetti straps should have at least 1 cm straps

As a group of concerned sixth graders, we hope you will hear our voices and take our proposal for change into consideration as you update the current dress code for all student in PPS.

Sincerely,

Rachel Underhill

Rachel Underhill

Zoe Tomlinson

Zoe Tomlinson

Ashley Siegel

Ashley Siegel

Jasmine Bieniek

Jasmine Bieniek

Lelia Besic

Lelia Besic





---

## **Oregon NOW Model Student Dress Code | February 2016**

---

Oregon NOW created this Model Dress Code to help school districts update and improve their student dress code policies and enforcement processes. Student dress codes should support equitable educational access and should not reinforce gender stereotypes. Student dress codes and administrative enforcement should not reinforce or increase marginalization or oppression of any group based on race, gender, ethnicity, religion, sexual orientation, household income, gender identity or cultural observance.

This Model Dress Code is specifically intended to address recent and escalating controversy and conversation both in Oregon and across the nation about overreaching and detrimental dress codes for some K-12 school students.

Our values are:

- All students should be able to dress comfortably for school without fear of or actual unnecessary discipline or body shaming.
- All students and staff should understand that they are responsible for managing their own personal "distractions" without regulating individual students' clothing/self expression.
- Teachers can focus on teaching without the additional and often uncomfortable burden of dress code enforcement.
- Students should not face unnecessary barriers to school attendance.
- Reasons for conflict and inconsistent discipline should be minimized whenever possible.

### **I. GOALS OF A STUDENT DRESS CODE**

---

A student dress code should accomplish several goals:

- Maintain a safe learning environment in classes where protective or supportive clothing is needed, such as chemistry/biology (eye or body

protection), dance (bare feet, tights/leotards), or PE (athletic attire/shoes).

- Allow students to wear clothing of their choice that is comfortable.
- Allow students to wear clothing that expresses their self-identified gender.
- Allow students to wear religious attire without fear of discipline or discrimination.
- Prevent students from wearing clothing with offensive images or language, including profanity, hate speech, and pornography.
- Prevent students from wearing clothing with images or language depicting or advocating violence or the use of alcohol or drugs.
- Ensure that all students are treated equitably regardless of gender/gender identification, sexual orientation, race, ethnicity, body type/size, religion, and personal style.

## **II. RECOMMENDED DRESS CODE POLICY**

---

The primary responsibility for a student's attire resides with the student and parents or guardians. The school district and individual schools are responsible for seeing 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.

Students should be given the most choice possible in how they dress for school. Any restrictions must be necessary to support the overall educational goals of the school and must be explained within the dress code.

Districts should set the student dress code and enforcement policies for their entire district and take steps to ensure that all schools in the district adopt and follow it. Too often individual schools create their own student dress codes and enforce them in different ways that result in inequities within districts and in many cases policies and enforcement that are not consistent with the law or the district's intent.

### **1. Basic Principle: Certain body parts must be covered for *all* students**

Clothes must be worn in a way such that genitals, buttocks, and nipples are covered with opaque material. Cleavage should not have coverage

requirements. All items listed in the “must wear” and “may wear” categories below must meet this basic principle.

## **2. Students Must Wear:\***

- Shirt.
- Bottom: pants/sweatpants/shorts/skirt/dress/leggings
- Shoes; activity-specific shoes requirements are permitted (for example for sports)

\* High-school courses that include attire as part of the curriculum (for example, professionalism, public speaking, and job readiness) may include assignment-specific dress, but should not focus on covering girls’ bodies or promoting culturally-specific attire.

## **3. Students May Wear:**

- Hats, including religious headwear
- Hoodie sweatshirts (over head is allowed)
- Fitted pants, including leggings, yoga pants and “skinny jeans”
- Midriff baring shirts
- Pajamas
- Ripped jeans, as long as underwear is not exposed.
- Tank tops, including spaghetti straps, halter tops, and “tube” (strapless) tops
- Athletic attire
- Clothing with commercial or athletic logos provided they do not violate Section 3 above.

## **4. Students Cannot Wear:**

- Violent language or images.
- Images or language depicting drugs or alcohol (or any illegal item or activity) or the use of same.
- Hate speech, profanity, pornography.
- Images or language that creates a hostile or intimidating environment based on any protected class.

- Visible underwear. Visible waistbands or straps on undergarments worn under other clothing are not a violation.
- Bathing suits.
- Helmets or headgear that obscures the face (except as a religious observance).

### **III. TRAINING FOR SCHOOL ADMINISTRATORS, TEACHERS & STUDENTS**

---

A school dress code is most effective when school administrators and teachers are trained to *understand and embrace* the intent of the code, how to *apply and enforce* the code equitably, and how to *talk about* the dress code and the reasoning behind it.

- School administrators and teachers should be trained to understand the purpose/spirit of the code, the actual code, and how to enforce with the least impact on student learning and self-confidence.
- School administrators and teachers must enforce the district dress code consistently, once it is adopted. School administration and staff should not have discretion to vary the requirements in ways that lead to discriminatory enforcement.
- School staff should be trained and able to use student/body-positive language to explain the code and to address code violations.

### **IV. DRESS CODE ENFORCEMENT AT SCHOOLS**

---

A school dress code is only as effective and fair as its enforcement. Historically school dress codes have been written and enforced in ways that disproportionately impact girls, students of color and gender expansive students.

- Enforcement should be consistent with a school's overall discipline plan. Failure to comply with the student dress code should be enforced consistently with comparable behavior and conduct violations, including access to a student advocate or ombudsperson and appeals process.

- Enforcement for students in grades K-5 should be limited to safety and non-violence/non-discrimination and should not include messages predicated on body maturity or “professionalism.”
- Violations should be treated as minor on the continuum of school rule violations.
- Students should *never* be removed from a classroom / lose class time solely as a result of a dress code violation.
- Students should never be forced to wear extra school clothing (that isn’t their own) when they are in violation of the code. That is akin to a dunce cap or scarlet letter. They can be asked to put on their own on-site clothing, if available, to be dressed more to code.
- Students’ parents should never be called during the school day to bring alternative clothing for the student to wear for the remainder of the day.
- No student should be disproportionately affected by dress code enforcement because of gender, race, body size, or body maturity.
- The dress code should be clearly conveyed to students, not just in the student handbook which rarely gets read, but in other ways, too, such as posters, newsletters, etc...
- Students should not be shamed or required to display their body in front of others (students, parents, or staff) in school. “Shaming” includes but is not limited to kneeling or bending over to check attire fit, measuring straps or skirt length, asking students to account for their attire in the classroom, and directing students to correct a dress code violation during instructional time.

## **V. TEACHING ABOUT CONSENT + SEXUAL HARRASSMENT: A STEP BEYOND DRESS CODE**

---

Schools have a role to play in setting clear anti harassment policies and in teaching curricula that promote positive messages about consent-only sexual activity.

**Consent:** Schools should teach all students — and administrators and teachers — about consent (no means no) so there is a clear message that

individual students are responsible for their own actions and that consent is a must before any sexual or other physical contact.

This educational video is a great tool to teach consent to students in middle school and older as well as other adult members of the community:

<https://www.youtube.com/watch?v=pZwvrxVavnQ>.

**Sexual Harassment:** Schools should have clear and well publicized anti sexual harassment policies for students and staff. Schools should educate students and staff to not engage in sexual harassment and to recognize what it is and how to address it.

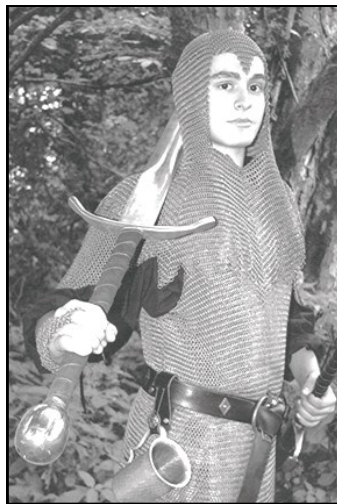
*(Continued from previous page)*

violating a school rule banning long hair on boys; one could argue that the same rights apply to students who dye their hair. On the other hand, removable body piercings may be held to not fall within the realm of constitutionally protected expression at school. However, the ACLU believes that to punish you for your hairstyle or body piercings, your school should have to show that they were disruptive or caused a valid health or safety risk.

### **Can my school require me to wear a uniform?**

There is no direct case on this issue in Rhode Island, but the ACLU believes that forcing students to wear uniforms infringes on their right to free speech and expression, and violates the standards set out in the previously-mentioned *Gardner* case. However, schools can promote a voluntary student uniform policy, which a number of schools in Rhode Island have done.

### **Have there been any cases involving what students wear for their yearbook photo?**



In 2006, the Rhode Island ACLU successfully sued a school district that had banned a student from wearing medieval garb and holding a prop broadsword in his senior yearbook photo. More recently, the ACLU of Mississippi successfully challenged a school

district that would not allow a female student to wear a tuxedo in her senior photo.

### **Can I be punished for protesting my school's dress code policy?**

You have the right to peacefully protest a dress code policy, but that does not mean you can violate the policy or engage in other activity legitimately banned in school. At the same time, you can't be punished more harshly for violating a school policy simply because you were doing it in protest. In a Rhode Island case, students walked out of school one day to protest a new dress code. Although the school had the right to punish the students for walking out of school and missing classes, they were given a longer suspension than if they had simply bunked class. The state Commissioner of Education held that it was illegal for school officials to punish the students for missing school to participate in a political protest more harshly than if they had missed school for any other purpose.



For over ninety years, the American Civil Liberties Union (ACLU) has been working in the courts, legislatures, and communities to defend and preserve the rights and liberties guaranteed to everyone in this country by the U.S. Constitution and laws.

Rhode Island residents who believe their rights have been violated are encouraged to report these concerns to:

#### **ACLU OF RHODE ISLAND**

128 Dorrance Street, Suite 220

Providence, RI 02903

P: (401) 831-7171

F: (401) 831-7175

[www.riaclu.org](http://www.riaclu.org)

## **ACLU FOUNDATION OF RHODE ISLAND**

# **KNOW YOUR RIGHTS: SCHOOL DRESS CODES**

A Guide for Public School Students in  
Rhode Island



## **Introduction**

People often express who they are and what they believe by what they wear. Because students maintain certain constitutional rights to free expression when they are in school, their decisions about their appearance are, to some extent, protected as well. This brochure will attempt to answer some of the most frequently asked questions regarding the legality of public school dress codes in Rhode Island. (Constitutional rights do not apply in the private school setting.)

Keep in mind that dress code policies vary from school to school, and there will often be disagreements about what constitutes inappropriate clothing. You should check your school's own dress code policy, which should be in your student handbook. Because this is a complicated area of the law, this brochure should not be taken as specific legal advice. If you have questions or need legal assistance, speak with an attorney or contact the ACLU.

---

---

## **Can I wear clothing that communicates a political or religious message?**

Yes. In the 1969 case of *Tinker v. Des Moines*, one of the most well-known student rights' cases it has considered, the U.S. Supreme Court ruled that students had a constitutional right to wear a black armband to school to protest U.S. involvement in the Vietnam War. Since then, courts have continued to hold that students generally have a right to express political views through their clothing. This can include, for example, wearing clothing that endorses or criticizes a politician or, as in more recent cases, wearing t-shirts supporting or opposing gay rights. Additionally, schools cannot prohibit students from wearing clothes that are in observance of their religion, such as a Muslim wearing a hijab in school.

## **Can my school restrict other types of messages on my t-shirt?**

As a general rule, schools cannot bar you from wearing clothing simply because they disapprove of the message that the clothing conveys. However, schools can prohibit you from wearing clothing with "indecent" or other messages that may cause a disruption. Of course, students and school officials can often disagree about what may or may not be disruptive. For example, in 1998, the Rhode Island ACLU successfully challenged the suspension of a student for wearing a rock band t-shirt with the numerals "666" on it. On the other hand, although the ruling might come out differently today, a Virginia court ruled two decades ago that a school could decide to ban as "vulgar" a t-shirt with the phrase "Drugs Suck." If you think you were unfairly disciplined for something you wore to school, you should contact the ACLU.

## **How much can my school regulate what else I wear?**

There is no simple answer. Back in 1972, in a case called *Gardner v. Cumberland School Committee*, the Rhode Island Commissioner of Education held that school districts are limited to regulating the dress of pupils to situations where "it presents a clear and present danger to the student's health and safety, causes an interference with school work, or creates a classroom or school disorder." In that case, the Commissioner overturned a school policy that barred a student from wearing a maxi-coat to school. But for policies that are seemingly less arbitrary — such as bans on all



hats, showing your undergarments or similar restrictions — courts will be more inclined to defer to a school's determination whether the clothing is disruptive or interferes with school activity.

However, if there is a social, political or religious message associated with what you are wearing, the courts will be more sympathetic. For example, in Pennsylvania, the ACLU recently won a lawsuit against a school policy that banned students from wearing breast cancer awareness bracelets that said "I ♥ boobies."

## **Who gets to decide whether something I wear is "disruptive"?**

Although their opinions are given significant weight by the courts, school administrators cannot rely on mere speculation that a particular message on a piece of clothing will be disruptive. Without an actual disruption of school activities, or a reasonable threat of one, a court may reject a school official's argument that banning clothing with a message was justified for that reason.

## **Can my school ban "gang-related apparel?"**

Based on documented safety and disruption concerns, a school could probably ban particular types of clothing that were directly associated with gang activity. However, any policies along those lines would have to be clearly and reasonably drafted, and specific as to what was not allowed. One federal appeals court struck down a school policy barring "gang-related activities such as display of 'colors,' symbols, [or] signs," as unconstitutionally vague, and another court threw out a school policy against gang-related attire that was applied to a student who wore rosary beads to school.

## **Can my school punish me if I dye my hair or have body piercings?**

In the 1970's, a federal appeals court that has jurisdiction over Rhode Island ruled in favor of a student who had been suspended for



## **4.30.012-P Standards Of Conduct –**

Student Dress And Grooming Portland Public Schools  
Portland, Oregon 4.30.012-P

The responsibility for the dress and grooming of a student rests primarily with the student and his or her parents or guardians.

Attire or grooming depicting or advocating violence, criminal activity, use of alcohol or drugs, pornography, or hate speech are prohibited.

A student's attire or grooming should not be grounds for exclusion from his or her participation in school classes or programs or in school-related activities. If, however, the attire or grooming of a student poses a threat to the health or safety of any other person, the appropriate solution as stated in the A.D. will be followed.

School-directed changes to a student's attire or grooming should be the least restrictive and disruptive to the student's school day. Any school dress code enforcement actions should minimize the potential loss of educational time. Administration and enforcement of the dress code shall be gender neutral and consistent with the PPS racial equity policy.

This policy applies to all individual schools. Schools may not enact more restrictive or less restrictive dress and grooming codes. Questions about application should be directed to General Counsel.

Legal References: ORS 339.240; ORS 339.250; OAR 581-021-0050 to -0075  
History: Adpt 6/71; Amd 9/9/02; BA 2420



## 4.30.013-AD Student Dress Code

### Table of Contents

I.	Definitions.....	1
II.	Basic Dress Code.....	2
III.	Uniform Dress Code.....	4
IV.	School Responsibility.....	4
V.	Process for Adoption.....	4
VI.	Appropriate Uniform Dress Clothing.....	5
VII.	Inappropriate Clothing for Uniform Dress Schools.....	5
VIII.	Exceptions and Accommodations.....	6
IX.	Implementation Supports.....	6

This administrative directive provides guidance to schools regarding the implementation of the Standards of Conduct – Student Dress and Grooming Policy 4.30.012. In addition, this administrative directive provides guidance to schools wishing to pilot a uniform dress code.

### I. Definitions

- (1) Attire. Clothing, including outerwear, headwear, accessories such as scarves or jewelry, and shoes.
- (2) Grooming. Makeup, tattoos, and hair style.
- (3) Dress Code. A set of parameters determined by the district that describes standards for student attire and grooming.
- (4) School Uniform Dress Code. Distinctive clothing style and/or specific colors selected by the school following a community process and worn by all students as a means of identifying them as members of the school community. Uniform dress codes may range from identical articles of clothing worn by all students (uniforms) to clothing similar in style and color worn by all students (uniform dress).

## II. Basic Dress Code

(1) **Minimum Safe Attire.** Student attire and grooming must permit the student to participate in learning without posing a risk to the health or safety of any student or school district personnel.

- (a) Students must wear clothing including both a shirt with pants or skirt, or the equivalent (for example dresses, leggings, or shorts) and shoes.
- (b) Shirts and dresses must have fabric in the front and on the sides (under the arms).
- (c) Clothing must cover undergarments (waistbands and straps excluded).
- (d) Fabric covering breasts, genitals and buttocks must be opaque.
- (e) Hats and other headwear must allow the face to be visible to staff, and not interfere with the line of sight of any student or staff. Hoodies must allow the face and ears to be visible to school staff.
- (f) Clothing must be suitable for all scheduled classroom activities including physical education, science labs, wood shop, and other activities where unique hazards exist.
- (g) Specialized courses may require specialized attire, such as sports uniforms or safety gear.

(2) **District Dress Code.** Board policy 4.30.012 provides: "Attire or grooming depicting or advocating violence, criminal activity, use of alcohol or drugs, pornography, or hate speech are prohibited." All PPS students are expected to comply with the requirements of this policy. Specifically:

- (a) Clothing may not depict, advertise or advocate the use of alcohol, tobacco, marijuana or other controlled substances.
- (b) Clothing may not depict pornography, nudity or sexual acts.
- (c) Clothing may not use or depict hate speech targeting groups based on race, ethnicity, gender, sexual orientation, gender identity, religious affiliation or any other protected classification.
- (d) Clothing must not pose a threat to the health or safety of any other student or staff.
- (e) Enforcement must accommodate clothing worn by students as an

expression of sincerely held religious beliefs (head scarves, for example) and worn by students with disabilities (protective helmets, for example).

(3) **Parent Responsibility.** Board Policy 4.30.012 provides: "The responsibility for the dress and grooming of a student rests primarily with the student and his or her parents or guardians." Parents or guardians are responsible for ensuring student compliance with the school dress code.

(4) **Student Responsibility.** All students at all schools are responsible for complying with the district dress code during school hours and school activities.

(5) **Staff Responsibility.** To equitably enforce the district dress code, teachers, administrators and all school staff must be notified of the policy at the beginning of the school year with a refresher in March before Spring Break in regards to its purpose and spirit, and how to enforce it without shaming students or disproportionately impacting certain student groups. Staff should be guided by the dress code policy and follow the letter and spirit of the district dress code.

(6) **Enforcement.** When a teacher or school administrator discusses a dress or grooming violation with a student, it is recommended that another adult should be present and at least one of the two adults should be the same sex as the student. In no circumstances shall a student be spoken to about a dress code violation in front of other students.

- (a) Teachers or staff discussing a dress or grooming violation with a student should present options for obtaining appropriate clothing (e.g. school clothing closet).
- (b) Where possible, students should not be required to wear school owned replacement garments and should never be required to wear specific garments as a disciplinary measure.
- (c) Discipline for dress or grooming violations should be consistent with the discipline policies for comparable violations.

### **III. Uniform Dress Code**

Schools may pilot a uniform dress code. Administrative Directive 3.10.011 states that it is the responsibility of the school principal to ensure a safe, efficient and effective learning environment, and to understand and respond to the larger political, social, economic and cultural context in which their school operates. There are communities within the district that support uniform dress codes and have chosen to require students to wear a uniform to school. It is recommended the schools reassess the requirement every five years to confirm that the current school community supports it.

#### **(1) School Responsibility.**

- (a) For those schools with student uniform requirements, enforcement must be equitable, with no group experiencing disproportionate enforcement, specifically on the basis of gender, sexual orientation, race, or body type/development.
- (b) Schools that choose to adopt a Uniform Dress Code shall follow a collaborative, inclusive process, publicize the choice and the provisions, explore funding for disadvantaged students and enforce the choice as appropriate.
- (c) The principal or designee shall work with the district procurement department to develop purchasing and distribution plans, if necessary, for implementation of the uniform dress code at his/her school.
- (d) It is the responsibility of the principal or designee to determine if a student is dressed appropriately under the school's uniform dress code.

#### **(2) Process for Adoption of a Uniform Dress Code.**

- (a) If a school is interested in piloting a uniform dress code, the principal shall:
  - (A) Convene at least two parent/community meetings to discuss and receive input regarding the adoption of a uniform dress code.
  - (B) Consult with school staff and students to discuss and receive input regarding the adoption of a uniform dress code.

(C) Determine, via a survey or some other accurate method of measure, that a majority of the school community supports the adoption of a uniform dress code.

(D) Consult with the area director.

(3) **Appropriate Clothing for Schools that Adopt a Uniform Dress Code.**

(a) Schools that adopt a uniform dress policy may determine the dress code and color scheme for their individual school. Following is an example of a uniform dress code that schools may follow.

(A) Slacks and Pants: Pleated or flat front, full length, appropriately fastened at the waist. Pants with loops will require belts. Material: Cotton, canvas, corduroy, linen, polyester, or twill.

(B) Tops: Shirts and blouses must have button down or straight collars; turtlenecks and polo shirts are permitted. All tops must be worn tucked into pants, slacks or skirts. Style: long or short sleeves with a color required. Undershirts, if worn, must be white or match the color of the top.

(C) Skirts, Jumpers, Shorts and Capris: Must be at least knee length. Note that schools adopting uniform dress codes may not require girls to wear skirts.

(D) Jackets: Style: Must be worn over a collar shirt, turtleneck or polo style top.

(E) Footwear: boots, flat-heeled shoes and enclosed toe sandals and athletic shoes are permitted.

(4) **Inappropriate Clothing for a School that has a Uniform Dress Code may include the following:**

(a) Blue jeans or any article of clothing made from denim.

(b) Insignia on outerwear not related to the school or to the

district, including but not limited to professional sports teams and colleges.

- (c) Logos: No Manufacturer trademarks or advertisements permitted.

**(5) Exceptions and Accommodations.**

- (a) The principal may exempt a student from the wearing of a uniform or uniform dress if requested in writing by the parent or guardian because of extenuating circumstances. Extenuating circumstances are generally limited to the student's disability/medical condition or sincerely held religious beliefs that are substantially affected by a uniform dress code requirement.
- (b) The principal will interview the parents and the student and consult with his/her supervisor before making a decision regarding an exemption. The exemption shall be as narrow as possible in order to ensure that the appropriate accommodation is made. The principal shall confirm the dress code required of the student subject to an exemption in writing to the parent and student. The principal is highly encouraged to contact the General Counsel's office when exemptions are requested.

**(6) Implementation Supports**

- (a) Schools that adopt a uniform dress code are required to establish a source for clothing that disadvantaged students may use so that the dress code does not create a financial burden on the family. The identity of the family or child shall not be disclosed.
  - (b) Each school may open a uniform bank for receipt of donated, new or used uniforms or uniform dress clothing items and substitute clothing to be loaned on a daily basis to non-compliant students.
- (7) Nothing in this directive shall be construed to restrict or ban a student's wearing of religious clothing. Parents having religion-based concerns regarding a school's dress policy are encouraged to discuss them with the principal.