TRIO Wolf Creek Distance Learning Charter School #4095

504 STUDENT DRESS AND APPEARANCE

I. PURPOSE

The purpose of this policy is to enhance the education of students by establishing expectations of appearance, grooming, or apparel that are related to educational goals and community standards.

II. GENERAL STATEMENT OF POLICY

The policy of the charter is to encourage students' apparel to be appropriate for school activities. Apparel to include items such as: clothing, shoes, jewelry, hats, accessories and belongings. School activities to include online and on campus. This is a joint responsibility of the student and parent(s) or guardian(s).

The intention of this policy is not to abridge the rights of the students to express political, religious, philosophical, or similar opinions by wearing apparel on which such messages are stated. Such messages are acceptable as long as they are not lewd, vulgar, obscene, defamatory, profane, or do not advocate violence or harassment against others.

III. ALLOWABLE DRESS AND APPEARANCE

a. Students must wear opaque (non-see-through) clothing including both a shirt or equivalent top, a skirt, pants, shorts, or equivalent bottom, and/or a dress. A student's clothing must cover the front, back and sides including the student's private parts. Students must also wear appropriate footwear, as defined by paragraph III.E.

b. Clothing must cover undergarments. Waistbands of undergarments and bra straps are excluded.

c. Hats and other headwear, except as a religious observance, must allow the face to be visible and must not interfere with the line of sight.

d. Hoodies must allow the face to be visible from the front and sides and must not interfere with the line of sight.

e. Apparel must be weather-appropriate and suitable for all school activities including online or on campus, and other activities where unique hazards exist, such as safety gear.

IV. NON-ALLOWABLE DRESS AND APPEARANCE

a. Apparel may not depict, advertise, or advocate the use of alcohol, tobacco, marijuana, controlled substances, or other products that are illegal for use by minors.

b. Apparel may not bear a message that is lewd, vulgar, or obscene, including profanity.

c. Apparel may not depict pornography, nudity, or sexual acts.

d. Apparel may not use or depict hate-speech targeting groups based on race, ethnicity, gender, sexual orientation, gender identity, religious affiliation, or any other protected groups.

e. Apparel may not have objectionable emblems, badges, symbols, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group, evidences membership or affiliation in a violent extremist group or gang (See IV.1 below) or approves, advances, or provokes any form of religious, racial, or sexual harassment and/or violence against other individuals.

i. A "violent extremist group" or "gang", as defined in this policy, means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commissions of one or more criminal act, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or whose members engaged in a pattern of criminal gang activity. "Pattern of gang activity" means the commission, attempt to commit, conspiring to commit, or solicitation of two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of or belong to the same criminal street gang.

f. Apparel may not post a health or safety hazard or damage school property.

V. PROCEDURES

a. When, in the judgement of the administration, a student's appearance, grooming, or apparel interferes with or disrupts the educational process or school activities, or poses a threat to the health or safety of the student or others, the student will be directed to make modifications or will be sent home for the day or may receive other disciplinary consequences, as appropriate. Parents/guardians will be notified.

b. The administration may recommend a form of apparel considered appropriate for a specific event and communicate the recommendation to students and parents/guardians, such as graduation, prom, field trips, safety gear, state or standardized testing.

Legal References: U. S. Const., amend. I
Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)
B.W.A. v. Farmington R-7 Sch. Dist., 554 F.3d 734 (8th Cir. 2009)
Lowry v. Watson Chapel Sch. Dist., 540 F.3d 752 (8th Cir. 2008)
Stephenson v. Davenport Cmty. Sch. Dist., 110 F.3d 1303 (8th Cir. 1997)
B.H. ex rel. Hawk v. Easton Area School Dist., 725 F.3d 293 (3rd Cir. 2013)
D.B. ex rel. Brogdon v. Lafon, 217 Fed.Appx. 518 (6th Cir. 2007)

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Hardwick v. Heyward, 711 F.3d 426 (4th Cir. 2013)
Madrid v. Anthony, 510 F.Supp.2d 425 (S.D. Tex. 2007)
McIntire v. Bethel School, Indep. Sch. Dist. No. 3, 804 F.Supp. 1415 (W.D. Okla. 1992)
Hicks v. Halifax County Bd. of Educ., 93 F.Supp.2d 649 (E.D. N.C. 1999)
Olesen v. Bd. of Educ. of Sch. Dist. No. 228, 676 F.Supp. 820 (N.D. Ill. 1987)

Cross References: Policy 413 (Harassment and Violence)
Policy 506 (Student Discipline)
Policy 525 (Violence Prevention)