*Recommended additions are shown in underlined font*

*Additional recommended edits from the third reading are shown in Yellow*

MINNETONKA PUBLIC SCHOOLS

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Policy #504: STUDENT DRESS AND GROOMING CODE

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**I.** **PURPOSE**

The Minnetonka School District recognizes schools as a place of learning where dress of employees and students should be attire-appropriate for a quality workplace.

**II. GENERAL STATEMENT OF POLICY**

A. The Minnetonka Public Schools encourage students to take pride in their attire at school. The dress and grooming of students becomes the concern of the school if it causes disruption of the educational program or is offensive or inappropriate to others. Students shall dress in a manner that takes into consideration the educational environment, safety, health and welfare of others.

**III. PROCEDURES**

The following guidelines apply to students during regular school hours.

A. Appropriate clothing includes, but is not limited to, the following:

1. Clothing appropriate for the weather.

2. Clothing that does not create a health or safety hazard.

3. Clothing appropriate for the activity (i.e., physical education or the classroom).

B. The following dress and grooming items are prohibited:

~~2.1~~ 1. Clothing that does not cover the midriff and chest, clothing that does not cover undergarments, and undergarments that are worn as outer garments, as these are all examples of dress that creates a distracting environment.

~~2.2~~ 2. Clothing that includes words or pictures that are obscene, vulgar, sexually explicit, convey sexual innuendo, abuse or discrimination, or ~~which~~ that promote or advertise alcohol, chemicals, tobacco or any other ~~produce~~ product or activity that is illegal for use by minors.

~~3. Apparel promoting products or activities that are illegal for use by minors.~~

~~2.3~~ 4. Clothing and other items or grooming in a manner that represents and/or promotes threat/hate groups or gangs.

5. Objectionable emblems, badges, symbols, signs, words, objects or pictures on clothing or jewelry communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group, evidences gang membership or affiliation, or approves, advances, or provokes any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, consistent with District Policy #427: Harassment and Violence.

~~2.4~~ 6. Jewelry that presents a safety hazard to self and/or others.

~~2.5~~ 7. Hats, caps, bandanas, hoods and other head attire during the school day. Exceptions will be made for religious and medical reasons. This limitation does not apply at the high school in the hallways, commons area and cafeteria.

~~2.6~~ 8. Wearing of Halloween-type masks, painted faces, disguises or grooming that limits or prevents the identification of a ~~“~~student.~~”~~

9. Any apparel or footwear that would damage school property.

C. The intention of this policy is not to abridge the rights of 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.

D. “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 commission of one or more criminal acts, 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.

E. When, in the judgment of the administration, a student’s appearance, grooming, or mode of dress 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. Parents/guardians will be notified.

F. The administration may recommend a form of dress considered appropriate for a specific event and communicate the recommendation to students and parents/guardians.

G. Likewise, an organized student group may recommend a form of dress for students considered appropriate for a specific event and make such recommendation to the administration for approval.

~~3.0.~~ H. Consequences for Wearing Inappropriate Clothing:

|  |  |  |  |
| --- | --- | --- | --- |
| **K-12** | 1st Offense | 2nd Offense | 3rd Offense |
| * Record of Offense * T-shirt to cover * Student is notified | * Record of offense * ~~Letter home~~ * T-shirt to cover or sent home * Student is notified * Letter home | * Record of Offense * ~~Detention as assigned~~ * T-shirt to cover or sent home * Detention or appropriate consequence as assigned |

~~3.1.~~ ~~I~~. After the third offense within one semester, the student behavior will be considered as insubordination. \*

*\* Insubordination is defined as the act of willfully disobeying an authority figure, or refusing to follow orders.*

~~4.0.~~ ~~J~~. I. When situations arise that are not specifically covered in this policy, the building administrator(s) will interpret the situation in light of the spirit and/or intent of this policy.

***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)*

*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:***

*~~MSBA/MASA Model Policy 413 (Harassment and Violence)~~*

*~~MSBA/MASA Model Policy 506 (Student Discipline)~~*

*~~MSBA/MASA Model Policy 525 (Violence Prevention)~~*

*Policy #427: Harassment and Violence*

*Policy #506: Student Discipline and Code of Conduct*

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