

Can Schools Regulate Student Dress and Grooming in School?

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ABSTRACT

School boards may enact reasonable regulations concerning student appearance in school. Student challenges to these regulations have relied on First Amendment constitutional freedoms to determine one's appearance. Generally, courts tend to provide less protection to some forms of expression (e.g., dress and grooming) than to others (e.g., symbolic expression and student publications). Nevertheless, awareness of constitutional freedoms places limits on school officials to regulate student dress, excluding special situations (e.g., graduation and physical education classes). Student attire can always be regulated to protect student health, safety, and school discipline.

Despite the continuing controversy over the years surrounding the issue of dress and grooming and the courts frequent involvement, the United States Supreme Court has consistently declined to address the entire question by pointing out that the issue is *de minimus* (*Karr v. Schmidt*, 1972). Student dress and grooming as a form of freedom of expression are not viewed as significant as most other forms of free expression. There is, however, a first Amendment constitutional right associated with it. School boards may enact reasonable regulations concerning student appearance in school.

The *standard of reasonableness* centers around well-established facts that (1) students have protected First Amendment constitutional rights and (2) students' rights must be balanced against the legitimate right of school officials to maintain a safe and disruption-free learning environment. The courts now require school authorities to demonstrate the reasonableness of their rules before the courts will decide if the constitutional rights of students have been violated.

Dress and grooming generally are viewed as a form of self-expression. Thus, a student must be afforded opportunities for self-expression. Therefore, restrictions on student dress and grooming are justified when there is evidence of substantial disruption of the educational process. Justifiable reasons to restrict certain types of dress and grooming include violation of health and safety standards, gang-related dress, and controversial slogans.

The following restrictions have been upheld by the courts regarding dress and grooming (Alexander & Alexander, 2012; Thomas, Cambron-McCabe, & McCarthy, 2009):

1. School regulations necessary to protect the safety of students (e.g., wearing long hair or jewelry around shop and laboratories)
2. School regulations necessary to protect the health of students (e.g., requiring students to keep hair clean and free of parasites)
3. School regulations prohibiting dress and grooming that does not meet standards of community decorum (e.g., dressing in a manner that calls undue attention to one's anatomy)
4. Dress and grooming that results in material and substantial disruption of the maintenance of a safe and orderly environment for learning (e.g., wearing t-shirts containing vulgar, obscene, or defamatory language based on race, color, gender, national origin, or religion)

Health and Safety Standards

School officials may regulate certain types of dress and grooming that pose a threat to the safety and health of students. For example, excessively long hair worn by students in shop classes, laboratories, or around dangerous equipment may pose a threat to their safety. The Fourth Circuit Court (*Massie v. Henry*, 1972), Fifth Circuit Court (*Domico v. Rapides Parish School Board*, 1982), and the Louisiana Appellate Court (*Humphries v. Lincoln Parish School Board*, 1985) concluded that state interest may overcome the student's constitutional interest if the evidence indicates that the health and safety of the student is jeopardized. School authorities may take appropriate steps to regulate hair length in these situations. Furthermore, students wearing fancy jewelry in shop classes, laboratories, around dangerous equipment, and physical education classes may pose a safety threat. School authorities may take measures to regulate the type of jewelry worn in these situations.

School principals may require students to wash long hair for hygiene purposes. Similarly, school principals may take measures to address other hygiene problems related to dress. Efforts should always be made in these situations to ensure that the dignity and rights of the individual are protected. The establishment of reasonable dress codes that are communicated to students and parents can curtail litigation regarding these issues.

Gang-Related Dress

In recent years, school officials have witnessed an increase in the prevalence of gangs and hate groups in public schools (Lunenburg & Ornstein, 2012). Gangs and hate groups pose serious problems for school authorities because the presence of such groups on a campus may contribute to substantial disruption to the educational process and threats to the safety of students. Members of such groups often wear clothing or symbols signifying their group membership. In a particular setting where disruptive antecedents

can be documented and long-standing uniform rules can be applied, even political expression can be restrained as indicated in *Guzick v. Drebus* (1970). Such dress may be in violation of a school's dress and grooming codes, which is a recent popular method of masking differences in students.

Examples of controversial student expression that may involve First Amendment protection include t-shirts depicting violence, drugs (e.g., marijuana leaves), racial epithets; ripped, baggy, or sagging pants or jeans; colored bandannas, Confederate flag jackets, baseball or other hats; words shaved into scalps, brightly colored hair, distinctive haircuts or hairstyles, pony-tails, and earrings for males; exposed underwear; Malcolm X symbols; Walkmans, cellular phones, or beepers; backpacks and baggy coats; tattoos, unusual-colored lipsticks, pierced noses, lips, and tongues; and decorative dental caps (Lunenburg & Irby, 2006). Courts generally rule that such "expression" does not have constitutional protection under the First Amendment when there is evidence of gang activity in the school and community. Due to close scrutiny by parents, law-enforcement officers, and school authorities, gangs will often change their appearances to become less recognizable. Today, many gang members wear professional sports team jackets, caps, and neutral t-shirts, making it difficult to detect them. School principals may take reasonable steps to minimize gang presence in school.

Controversial Slogans and Immodest Dress

Slogans worn on t-shirts, caps, and other items of clothing that contain vulgar, lewd, or obscene pictures may be regulated by school principals. Suggestive clothing that draws undue attention to one's body may also be regulated. This judicial precedent was provided many years ago when the Arkansas Appellate Court (*Pugsley v. Sellmeyer*, 1923) upheld a school regulation that forbade the wearing of low-necked dresses, any immodest dress, or the use of face paints and cosmetics. Banning controversial slogans and inappropriate attire generally have been upheld when there is evidence of disruption, when there is community sentiment regarding dress standards, and when the message is offensive to others based on race, gender, color, religion, or national origin (*Pyle v. South Hadley School Committee*, 1994).

School Uniforms

The wearing of uniforms is gaining popularity in large city school districts, including Baltimore, Chicago, Cincinnati, Detroit, Houston, Los Angeles, Miami, New Orleans, New York, and Philadelphia (Hamilton, 2009). Advocates assert that student uniforms provide easy identification of students, eliminate gang-related dress, promote discipline, reduce violence and socioeconomic distinctions, prevent unauthorized visitors from intruding on campus, and foster a positive learning environment (Starr, 2000). Typically, when school uniform dress codes are adopted, they apply to students in elementary and middle schools and may be either voluntary or mandatory (National Association of Elementary School Principals, 1998). In addition, many private and parochial schools have required uniforms for years.

Conclusion

School boards may enact reasonable regulations concerning student appearance in school. Student challenges to these regulations have relied on First Amendment constitutional freedoms to determine one's appearance. Generally, courts tend to provide less protection to some forms of expression (e.g., dress and grooming) than to others (e.g., symbolic expression and student publications). Nevertheless, awareness of constitutional freedoms places limits on school officials to regulate student dress, excluding special situations (e.g., graduation and physical education classes). Student attire can always be regulated to protect student health, safety, and school discipline.

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